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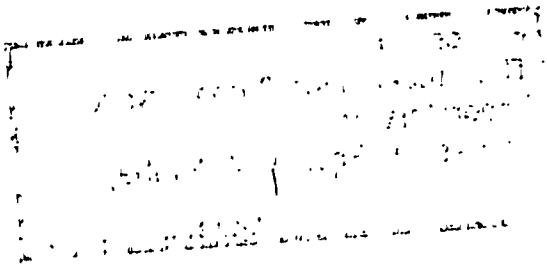

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THE

HISTORY

OF

SCOTLAND,

FROM THE

UNION OF THE CROWNS

ON THE

CESSION OF JAMES VI. TO THE THRONE OF ENGLAND,

TO

THE UNION OF THE KINGDOMS

IN THE REIGN OF QUEEN ANNE.

THE SECOND EDITION, CORRECTED.

WITH A

PRELIMINARY DISSERTATION

ON THE PARTICIPATION OF

MARY, QUEEN OF SCOTS,

IN THE MURDER OF DARNLEY.

37680

BY MALCOLM LAING, ESQ.

IN FOUR VOLUMES.

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THE

HISTORY

OF

SCOTLAND.

BOOK VII.

New Government and Parliament.—Execution of Argyle, Guthry, Warriston, [illegible] restored, Presbyterian Clergy [illegible] rapacity, excesses, and [illegible] military [illegible] West.—Government [illegible] indulged.—Lauderdale's tyranny [illegible] Persecution of Conventicles.—Mitchel's Trial.

FROM the civil and religious wars of the two kingdoms, in which it is seldom possible to separate the interest, or the share of either, we return to the domestic transactions of Scotland, whose history, from the restoration to the union, continues unmixed and almost [illegible] with English affairs. Many years [illegible] ty

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1660.

Public expectations and joy at the restoration.

were expected from the sincere, and universal joy which the restoration diffused. The affectionate loyalty which the people expressed, was confirmed by the gracious and popular deportment of the king. The fairest hopes were entertained of the prosperity of the new reign; which nothing could have disappointed but the misconduct or rather the crimes of government; the predilection of Charles for a foreign interest; his secret attachment to the Romish faith; and above all, his perseverance in the arbitrary measures which his father had pursued. It was from these and other causes, that the government of Scotland became hostile and gradually odious to the people, till it degenerated at length into a sanguinary and cruel despotism, for which there was no cure but the expulsion of the Stuarts.

New ministry.

The government still remained in the hands of the English, while the nobility and principal gentry hurried to court, to profer their allegiance, or to tender their advice for the settlement of the kingdom. The royalists were preceded and led by Glencairn and Middleton; but their diligence was outstript by the earl of Lauderdale, who had accompanied the English commissioners to the Hague, on his release from the Tower. In return for his services, and his sufferings during ten years imprisonment, he obtained the office of secretary, which was the more desirable as it required his attendance at court; and among the numerous mi-

nisters who rose and sunk during the course of the reign, Lauderdale retained his ascendancy the longest over the mind of the king. The earl of Crawford, who had suffered the same imprisonment, was restored to the treasury; Rothes was appointed president of council, Glencairn chancellor, Middleton commissioner to the approaching parliament. The authority of the committee of estates was revived, in order to supersede the administration of the English judges, and by the advice of Clarendon, a council for Scottish affairs was established at Whitehall.[1]

Two important considerations occurred, in the settlement of Scotland, whether the garrisons introduced by Cromwell should be preserved, and what form of ecclesiastical government should be established for the church? Clarendon and Monk [illegible]se from the removal of the English gar[illegible]ose presence they considered as still ne[illegible] restrain a mutinous nation, prone to [illegible] by military force. Lauderdale repre[illegible]th that consummate art which distin[illegible] character, that it was not less unge[illegible] impolitic to prolong the servitude [illegible]tion, after the loss of two armies, had [illegible]n its loyal attachment to the crown; [illegible]sure would be productive of national [illegible] that in the event of an insurrection

Removal of the garrisons.

[1] [illegible]7. Baillie, ii. 442. Clarendon's Life, ii. 97.

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in England, the garrisons left by Monk as the most disaffected part of a fanatical army, would be joined by the Scots; that the time might come, when, instead of English garrisons in Scotland, his majesty would require Scottish garrisons in England, to repress the turbulence of a wealthy people; and that the nation, relieved from a badge of ignominious subjection, might be rendered the more instrumental and subservient to his designs. As Glencairn and Middleton were afraid to oppose the removal of the garrisons, or to incur the reproach of an unpopular advice, the citadels and forts were demolished, and when supplies were procured for their discharge, the disaffected troops were disbanded or withdrawn.[2]

Settlement of the church.

In the settlement of an ecclesiastical government, Charles was peculiarly embarrassed by the treaty at Breda. When invited to Scotland on his father's death, he had sworn and subscribed the covenant, and confirmed the presbyterian church as the conditions of his accession; and though the nation was unable to preserve him on the throne, the oaths, which were renewed at his coronation, remained unrepealed. If it was difficult to observe, it was dishonourable to violate conditions formerly accepted, when there was no choice unless to relinquish the crown. The word of a prince is to be reputed sacred; neither violence, nor state necessity could afford

[2] Clarendon's Life, ii. 406. Burnet

dispense with his oaths. However disgusted with the presbyterians during his residence in Scotland, the king himself was indifferent to religion; but Clarendon, whose mind was contracted and soured by religious bigotry, was irreconcileable to the very existence of their church. That upright and able, but not enlightened statesman, had already prepared the most intolerant measures for the revival of the hierarchy, which he urged the king to restore in Scotland, by a violation of those solemn engagements which his own conscience would never have infringed. The earls of Glencairn and Middleton concurred in the same design; and, at a time when the majority of the nation were rigid presbyterians, they did not hesitate to assert, that the people were disgusted with the insolence of the ecclesiastical courts, and desirous of a change. They returned with instructions to examine the sentiments of the people, and to prepare them for the subsequent introduction of prelates; while Sharp, to appease the suspicions of the public resolutioners, whom, on the offer of the primacy, he had secretly deserted, procured a letter from Charles that confirmed their assemblies, and promised to preserve the government of the church inviolate, as established by law. As the presbyterian was then the established religion, the resolutioners were easily deceived by a mean equivocation unworthy of a king; or were gratified perhaps by the persecution of the remonstrants, whom

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Deferred.

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the committee of estates had imprisoned or dispersed.[3]

Jan. 1. Parliament. Its character.

The parliament was opened by Middleton, with a splendor to which the nation had been long unaccustomed. The elections had been secured by the chancellor's management. Obnoxious candidates were imprisoned or summoned to appear as delinquents; and the nobility vied with the commons in their devotion to the crown. The original covenanters were mostly extinguished. A new generation had arisen under the English government, inured to servitude, educated in penury, or impoverished by forfeitures; and as an indemnity was still ungenerously withheld from Scotland, they were either exposed to punishment from their past compliances, or were insatiate and eager to procure confiscations and fines.[4] A new spirit appeared in the nation, whose fervid genius is ever in extremes; if submissive, prone to adulation and the utmost servility; when attached to civil or religious liberty, fierce, ardent, and enthusiastic in the pursuit. Not a few were estranged from the severe morals which the covenant prescribed; but the intemperance and excesses of the royalists were offensive to the people, whose disgust was increas-

[3] Wodrow's History of the Sufferings of the Church of Scotland, vol. i. p. 7. 13. Crawford's History, MS. vol. ii. l. 5. 420. Clarendon's Life, ii. 101.

[4] Baillie, ii. 449. Wodrow, i. 21. Kirkton's History of the late Revolution in the Church, MS. Advocates' Library.

ed by an unforeseen disaster which the nation incurred. The crown and sceptre, during the usurpation, had been secreted in the North; but the public records, which Monk had removed to London, were detained by Clarendon till the summer had elapsed, to discover the original covenant and declarations which the king had subscribed. They were shipped for Scotland after a fruitless search; but the vessel was wrecked in the winter season, and the records of the kingdom were irrecoverably lost. A disaster which it is impossible to estimate, is naturally exaggerated, and we deplore the loss of those historical memorials which escaped the destructive policy of Edward I. Yet if a few historical records have perished, an impure and enormous mass of judicial proceedings does not deserve regret.[5]

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Loss of the public records.

When the parliament proceeded to public business, the first consideration was, how to restore and assert the prerogative to its full extent. The chancellor was received as official president; the nomination of judges, counsellors, and officers of state, was declared a branch of the divine prerogative, inherent in kings. The command of the militia, the power of declaring war, the right to summon or dissolve conventions, parliaments, and public assemblies, were acknowledged to reside in

Prerogative restored.

[5] Wodrow, i. 18. Burnet, i. 157. Ayloff's Calendars of Charters, p. 354.

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the crown alone; and as the happiness of the people consists in maintaining the prerogative entire, to oppose, or impugn the authority of the act, was converted into treason. Illegal convocations, leagues, and bonds, were severally prohibited. The covenant was indirectly repealed, by an act to prevent its renewal without the king's consent. His supremacy was indirectly established by an oath of allegiance, that the sovereign was supreme governor in all cases, over all persons, ecclesiastical and civil; and although the chancellor protested that no authority was implied in communion or in discipline, the presbyterians demanded in vain, that the explanation of supreme *civil* governor, should be inserted in the oath. An ample recognition of the prerogative was required from persons in public office; but the oath of allegiance was imposed indiscriminately, as a fruitful source of persecution, on all persons, at the pleasure of the council, under the penalty of incapacitation from public trust. Instead of the monthly assessments exacted by Cromwell, an excise of forty thousand pounds a-year was conferred on the king for life, to preserve the public tranquillity by a military force.[6] To restore the prerogative of which the crown had been despoiled, was perhaps unexceptionable; but in these acts, the late proceedings of the nation were indiscriminately

[6] Parl. 1661, ch. 5. 7. 11, 12. 14. 34.

condemned, and the prerogative was magnified by rhetorical flourishes, to the most exalted despotism.

Former parliaments rescinded from the beginning of the civil wars.

The commissioner had been selected as exempt from scruples,[7] and although his natural violence was heightened by intemperance, an obsequious parliament was prepared to yield to his most extravagant demands. The lords of articles became impatient and tired of particular reversals: but there were two parliaments whose acts it was difficult, yet necessary to repeal, in order to absolve the king from his promise to preserve the established church. His father had presided in the one, and himself in the other. The presbyterian church was confirmed by the acts of both; the repeal of which might excite a spirit of remonstrance, sufficient to deter the king from the introduction of prelates. A general *rescissory* act was suggested, to annul the parliaments themselves, from the year one thousand six hundred and thirty-three, as injurious to the prerogative, or defective in form; and a proposal made in jest, was adopted in earnest, from the feverish intoxication of Middleton and his friends. The constraint under which the crown was supposed to labour, had no place in the parlia-

[7] Middleton was of a good family in the North, but of no estate; and rose from a pikeman in Hepburn's regiment in France. Kirkton, MS. His father was murdered sitting in his chair, by Montrose's soldiers, when they overrun the country in 1645. Wodrow.

BOOK VII. 1661.

ment held in one thousand six hundred and forty-one, when the late king attended and ratified its acts from choice: the parliament in one thousand six hundred and forty-eight was chosen and directed by his particular instructions, to confirm the engagement. But the commissioner maintained that the former had been held in the interval between two rebellions, when the necessity of affairs, without any personal violence, had imposed a real constraint on the king; while the latter, to conciliate the fanatics, had entered into the engagement on such hypocritical terms, that the whole of its proceedings deserved to be condemned. Notwithstanding a vigorous opposition from Crawford, Cassilis, Loudon, and the old covenanters, the act was approved by a large majority, and ratified without waiting for instructions from court. The covenants, and the laws that established presbytery, were virtually repealed; and with some improper limitations on prerogative, every constitutional barrier was thus removed. But the act was more pernicious still, as a precedent destructive of all security in government, and of all confidence between the people and the king. The laws, if defective, were open, they affirmed, to amendment and review; but if one parliament, under the pretext of fear, or the necessity of public affairs, can *rescind* another, the first principles of government are subverted. A future legislature may annul the present, on the same pretext that the present abro-

gates those former parliaments whose public treaties and indemnities, which are ever to be reputed sacred, were confirmed by the crown.[8] BOOK VII. 1661.

These times are described by Burnet as mad and riotous; full of extravagance, for the men engaged in public affairs were almost perpetually drunk. The most important and violent acts, that reversed the former constitution and government, are explained by the constant intoxication of ministers; and the commissioner often appeared so drunk on the throne, that the parliament was adjourned. The most licentious intemperance and excess of debauchery were termed loyalty; gravity, sedition;[9] and the trial and attainder of delinquents, was perhaps the only subject that engrossed the serious or sober consideration of the estates. Excesses of the times.

When the king was restored, on the promise of an amnesty to his English subjects, no indemnity was promised or proposed for Scotland; and it was deemed expedient that the nation should still remain at the mercy of the crown. Argyle, encouraged by some equivocal expressions of Charles, had repaired privately to court, but the royalists who grasped at his possessions, were apprehensive of a crafty, insinuating statesman, whose former credit with the king might revive. On demanding admittance to the royal presence, he was com- Trial of Argyle.

[8] Parl. 1661, ch. 15. Burnet, i. 168. Baillie, ii. 451.
[9] Burnet, i. 174. Kirkton, MS. 16. 30.

BOOK VII. 1661. Feb. 13.

mitted to the Tower, and accused of a secret participation in the murder of the late king. His trial was transferred to Scotland, where he was produced and arraigned in parliament on separate indictments of oppression and treason. The severities inflicted on the royalists during the civil wars, and the cruelties retaliated on the adherents of Montrose, were accumulated in his indictments. He was accused as the author of every national act from the commencement of the wars; as an accessory to the surrender and execution of the king; and an actor under the late usurpation, in opposition to those who appeared for the crown. His defence was vigorous and plausible at least, if not always just. He affirmed that the atrocities imputed to his clan were partly fictitious, partly exaggerated;[10] committed during his absence in England, from the violence of the times; and that a cruel revenge was to be expected from his people, whose country had been twice wasted with fire, and devoted to the sword. His transactions during the war were conducted under the authority of the legislature, to whom the surrender of

His defence.

[10] We may judge of the extravagance of the charge, and of the fanaticism of the accusers themselves, from a fact asserted in his first indictment; that a tree on which thirty-six of his enemies were hanged, was immediately blasted, and when hewn down, a miraculous and copious stream of a bloody hue, with which the earth was deeply saturated, was for several years emitted from the root. State Trials, ii. 422.

the king must be ascribed; but his public transactions were protected from inquiry, by the act of oblivion, passed in consequence of the treaty of Rippon, and by the indemnity granted by Charles in the parliament at Stirling, of which the records were lost, but the memory was still recent in the minds of men. His compliance with the late usurpation was necessary for his preservation, or excusable from the contagious example of the times. While resistance was practicable he was the last to submit; but his solitary resistance, after the nation had submitted to a conqueror, would neither have secured himself, nor restored the king. From his peculiar situation in life, more than a passive compliance was required for his preservation; and if to mitigate the oppression of his country, he was returned a member to Richard's parliament, the recognition of a power *de facto*, and without his assistance in possession of the government, never implied an acknowledgment of its original title; much less a treasonable opposition to the rightful heir, while excluded from the throne. "What "could I think," he exclaimed, "or how suppose, "that these unhappy compliances were criminal, "at the time when a man so learned as his ma- "jesty's advocate received the same oaths to the "commonwealth with myself?" Sir John Fletcher, lord advocate, interrupted and reviled him in the most opprobrious terms, but he calmly replied, that he had learned in his afflictions to endure

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BOOK VII. 1661.

reproach; and perceiving his ruin predetermined, demanded, but was denied permission to submit implicitly to the mercy of the king.[11]

Condemned to death.

During this important trial, the most solemn which the nation had ever witnessed, lord Lorn was employed to solicit favour for his father at court. He procured a royal mandate, not to prosecute any public offences previous to the indemnity granted at Stirling, nor to pronounce a sentence, till the whole trial was submitted to the king. The first part of the order was imperfectly obeyed; the last, as expressive of a mistrust in parliament, was recalled. The commissioner, anxious that Argyle should suffer as a regicide, to prevent the restitution of his family to his estate and honours, undertook the management of the debate in person, which he conducted as if forgetful of his own dignity, or the decency requisite in a public character. From the secret consultations held with Cromwell, when invited to Scotland to suppress the engagement, he concluded that the interruption of the treaty at Newport, and the execution of the late king, had been concerted with Argyle. An attainder founded on such weak and remote presumptions, was abhorred by many, and was opposed by president Gilmour, with a force of argument that compelled the reluctant parliament to exculpate Argyle from all participation in the

[11] State Trials, ii. 418. vii. 379. Wodrow, i. 42.

death of the king.[12] Nothing but his compliance with the usurpation remained. While his condemnation was still uncertain, Monk, with his accustomed baseness, transmitted to parliament some confidential letters from Argyle, expressive of a cordial attachment to the protector's government.[13] They arrived after the evidence was finished, but were read by Middleton in the midst of the debate. The perfidious friendship of Monk, and the violation of every judicial form, excited general indignation; but the unexpected appearance of Argyle's correspondence silenced his friends, who withdrew from an unavailing opposition to his fate. Sentence of treason was immediately pronounced. He was condemned to be beheaded within two days, and his head to be affixed to the public prison, to replace that of Montrose, for whose remains a splendid funeral was appointed. He requested in vain a respite of ten days, till his sentence should be communicated to the king, and complained in the spirit of enthusiasm, "I have "placed the crown upon his head, and this is my "reward! but he hastens me to a better crown "than his own; nor can you deprive me of that "eternal indemnity which you may require your-"selves."

BOOK VII. 1661. May 25.

The interval between his sentence and execution was spent with the clergy, in religious exercises,

And executed. May 27.

[12] Wodrow, i. 54. Burnet, i. 174. [13] See NOTE I.

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and he prepared for death with a fortitude not expected from the natural timidity of his character. On the morning of his execution, he wrote a letter to the king, to vindicate his own memory and to implore protection for his son. He dined with his friends at noon, before ascending the scaffold, and was accompanied by several of the nobility to the place of execution. His appearance on the scaffold was solemn but intrepid. He spoke in vindication of his own innocence, deplored the times that were likely to ensue, and exhorted the people to suffer rather than to offend against their conscience, or to abandon the covenant. After an interval of devotion, he submitted his neck to the block, and his head was separated from his body by the descent of the maiden.[14]

His sentence.

The public hatred which he had incurred while alive, was converted into general commiseration at his death. His attainder was justly imputed to the enmity, his precipitate death to the impatience and insatiate desire of Middleton to procure a gift of his titles and estate; and as it generally happens wheresoever a statesman suffers, whether from national justice or revenge, his execution served to exalt, and to relieve his character, from the obloquy which would have continued to attend him, had he been permitted to survive. His letters to Monk are lost, and the records of his trial have

[14] Wodrow, i. 51. 157. Kirkton, MS. 26. Burnet, i. 179.

been carefully destroyed. But we discover from Thurloe's papers, that he was obnoxious to Cromwell and to Monk himself, as a suspected royalist; and that he was excluded during the usurpation, from employment or trust.[15] Under a jealous usurpation, professions of the most zealous attachment were requisite for the preservation of a suspected royalist; and we must conclude that the letters employed for his destruction were necessary to appease the suspicions or the resentment of Monk. His original share, as a chief instrument in the civil wars, of which he was not convicted, is represented as some apology for the sentence on which he was executed; but the apology becomes the more dangerous as a pretext that is never wanting for judicial murder. Originally driven into rebellion, by an insidious plan to invade his country, and to deprive him of a large part of his estate,[16] he incurred the imputation of whatever violent measures it was necessary to tolerate, or impossible to prevent. But his character, impartially examined, was that of a better patriot than a subject, more attached to the national religion than to the interests of the crown. His ambition was regulated by habitual prudence, penetration, experience, and consummate address; but his

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And character examined.

[15] Thurloe's State Papers, vi. 341. vii. 584.

[16] See vol. iii. p. 152.

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sagacity was not always exempt from enthusiasm; his prudence was apt to degenerate into craft, and the apprehensions which his subtle dexterity excited, occasioned his destruction. His services in the recall of Charles to Scotland, deserved a better fate; but his enemies were disappointed by Lauderdale's intercession, and his son was afterwards restored to a part of his titles, and to the possession of his estate.

Guthry executed. June 1.

The next was Guthry, a clergyman accused of framing or promoting the western remonstrance, and of protesting against the authority of the king, or the interposition of the council, in ecclesiastical affairs. To decline the authority of either was treason, but the punishment, from its undue severity, had never been inflicted; and the offence itself, if aggravated by the violence of his publications, was extenuated, and ought to have been obliterated, at the distance of ten years, by his resolute opposition to the usurper's government. But his real crimes were a sentence of excommunication which he had formerly pronounced against the commissioner, and the report of some personal indignities which he had offered to the king. His defence was firm, yet pronounced with such pathetic effect, that many withdrew from having any concern in his sentence or death. He was executed with an obscure deserter, and died with that unshaken fortitude and contempt of life

which enthusiasm inspires. Rutherford was removed by an opportune death; Gillespie and other remonstrants were preserved by a confession of their guilt. Wariston, who had escaped to the continent, was attainted, and Swinton, who had turned quaker, acknowledged his offences with such ingenuous contrition, that he was recommended to mercy, but deprived of his estate.[17] BOOK VII. 1661.

The parliament was at length adjourned, and the government was again vested in the privy council. At once a court of justice and a council of state, in which policy must ever predominate over the laws, the institution necessarily became tyrannical; the judicial functions were united with the executive powers of the state, and a legislative authority was not unfrequently assumed. Parliament adjourned. July 12.

The commissioner was not less solicitous to gratify Clarendon's zeal, on whose friendship he depended, than to strengthen his own interest in parliament, by the introduction of prelates. On his return to court, he represented that the times were propitious, and the nation not averse from the revival of their order; and that the attempt should be made during the present fervor which the restoration had excited, before the presbyterians obtained an indemnity to relieve their fears. Revival.

[17] Kirkton, MS. Crawford, MS. Wodrow, i. 63. Burnet, i. 180. Baillie, iv. 453.

BOOK VII. 1661.

His assertions were confirmed by Sharp; but the king, who had observed the former repugnance of the nation to ecclesiastical pre-eminence, was still indifferent or averse from a change. His mind was secretly impressed with the artful, yet judicious suggestions of Lauderdale, that episcopacy was recommended by none but those who solicited preferment; that the introduction of prelates, in opposition to public and inveterate prejudices, might alienate the nation which it was his interest to conciliate; and that the preservation of their order, instead of contributing to the authority, would require the constant support and protection of government. But his English and Irish ministers, Clarendon and Ormond, affirmed that it would be very difficult to preserve the episcopal church, especially in Ireland, from the fury of the dissenters, unless the example of presbytery were removed from their view. Amidst such discordant sentiments, the propriety of the attempt was referred to the privy council of Scotland, where the imprisonment of the earl of Tweedale, for his opposition in parliament to the execution of Guthry, had repressed all freedom of opinion or debate. Glencairn the chancellor, who proposed an humble and moderate episcopacy, procured a report that the intended change would give general satisfaction; and the revival of the hierarchy was no longer deferred. When Lauderdale was admonished by Charles, that the presbyterian religion

was unfit for a gentleman, and improper to be continued, that obsequious politician urged, with an insidious violence, the innovation which he could no longer prevent; and thus the intolerant bigotry of Clarendon, the corrupt ambition of some statesmen, and the servile pliancy and adulation of others, betrayed the king into the most pernicious measures of the two preceding reigns.[18] BOOK VII. 1661.

The suffragan bishops were recommended by Sharp, on whom the metropolitan see of St. Andrews was bestowed. But as Sydserf alone, of the former prelates, survived at the restoration, it was necessary to resort again to the English church, for that apostolical succession which a single bishop is unable to confer. Had the restoration been delayed for a few years, the English church might have expired herself with her aged prelates; and the nation, reduced to a dire dilemma, must have acknowledged the presbyterial ordination to the priesthood as valid, or have solicited a new consecration from the Romish fane. But her danger did not inspire moderation. At the consecration of Spotiswood, the subordinate orders of priesthood had been conferred or supplied by the episcopal character; but Sharp and Leighton were required, before they were consecrated, to submit to episcopal ordination, as deacons and priests. The ordination of Fairfoul and Hamilton was And consecration of prelates.

[18] Wodrow, i. 96. Burnet, i. 187.

BOOK VII. 1662.

strictly canonical, and the four bishops were dismissed, when duly consecrated, to propagate the apostolical order in Scotland. They were received and conducted to the capital, by the chancellor and nobility in solemn procession. No mark of external respect or pomp was omitted, to impress the people with veneration and esteem. When the parliament was resumed, they were invited by a deputation from each estate, and introduced in triumph to their ancient seats. But their revenues were inadequate to their rank; and their characters were unequal to the stations to which they were unexpectedly preferred. Leighton, the most learned and respectable of their number, united the most devout and ascetic virtues, with an indulgent charity and extensive toleration. But the rest were remiss in the discharge of their functions, and were distinguished rather by zeal than sanctity; the violence of Sharp was no longer disguised; and they were destitute of that moderation and of those talents which were necessary to recall and conciliate a disaffected church.[19]

Episcopal government, May 8th.

The second session of parliament commenced with the government of the church, the regulation of whose external polity, according to the established laws and advice of bishops, was transferred to the king. The authority of presbyteries,

[19] Burnet, i. 191. 200—5. Baillie, ii. 460. Wodrow, i. 101—14, 15.

and of provincial and general assemblies, was annulled. The prelates, released from every restraint but the advice of ministers whose prudence or loyalty they might choose to consult, were restored to the plenitude of their former privileges, and to the supreme and exclusive jurisdiction in ecclesiastical affairs. The covenants were repealed and abjured as unlawful oaths; and whatever might tend to excite a dislike to the prerogative, supremacy, or episcopal government, was punished as sedition. The rights of patronage were revived. The clergy who had been admitted since its abrogation, were deprived of all title to their livings; and were required, within four months, to procure a presentation from their patrons, and collation from the bishops; to acknowledge their authority, and to attend their visitations and diocesan synods. The prelates introduced by James, had assumed nothing more than precedence, a share in ordination, and a negative voice in the assemblies of the church. The clergy continued to meet in presbyteries, and as there was no remedy, they had submitted to an usurpation which might innovate, without annulling the constitution or authority of their ecclesiastical courts. While they sat with their bishops, upon different principles, in the same tribunals, their opposition was confined within their own walls; or was suffered to evaporate in idle protestations, and, amidst all the vicissitudes of government, the unity of the church was at least pre-

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established by parliament.

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served. But in these acts, from the violent and precipitate ambition of Sharp, the foundations of episcopal government were inverted, and the whole power was transferred to the prelates. When the presbyteries and other judicatures were first interrupted, and then held as diocesan assemblies, the old and rigid presbyterians refused to sit or assist as the bishops officials, and prepared to secede. They protested that it was hard indeed to submit to his authority, but that it was impossible, without violence to their conscience, to acknowledge the exorbitance of his episcopal power. Men of the former episcopal persuasion, were dissatisfied at the exemption of the bishops from ecclesiastical control; and an imperious system of ecclesiastical polity, to which the nation, that could be reconciled only by lenient measures, must have been hostile, was universally disapproved.[20]

Act of indemnity.

When episcopal government was thus established, an act of indemnity and oblivion was no longer deferred; if indeed an act, more oppressive than indulgent, can deserve that name. An unconditional indemnity was recommended by Lauderdale, as the sufferings of the nation, ever since the engagement, and its services in promoting the restoration, were entitled to the same indulgence and grace with England. Unhappily, Middleton's representations prevailed at court, that the royalists

[20] Wodrow. Burnet, i. 203.

were impoverished or ruined by their adherence to the crown, whose revenues were anticipated, or were insufficient for their relief; and that no means remained to reimburse their losses, unless their enemies were equitably amerced for rebellion. Some unavailing limitations were enjoined, that no fines should be imposed beyond their annual revenues, or for offences committed previous to the parliament at Stirling; and an additional exception from the indemnity was unwarily admitted, on Middleton's assurances that the parliament was desirous to incapacitate a few obnoxious delinquents from public trust. The indemnity was no sooner introduced into parliament, than a committee was appointed to determine the number of offenders, and the amount of their fines; but the members were sworn to secrecy, not to a faithful discharge of their trust; and it soon appeared that they were actuated by the worst passions of avarice and revenge. Their ears were open to accusations alone. In the promiscuous choice of offenders, no proof of innocence was admitted; no inquiry nor intimation was made concerning their guilt; no computation was even taken of their estates; but their names, as soon as they were accused, were inserted in an arbitrary list of fines. The most obnoxious offenders compounded in secret. Of such as were innocent or ignorant of their offences, nine hundred were reported to parliament, whose fines amounted to eighty-five thou-

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Fines.

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sand pounds. Some were dead, or had resided abroad during the civil wars; others were infants; but to every objection there was a prompt reply; that the penalties were a composition for an indemnity which the innocent might relinquish, and, at their own peril, procure an exemption when pursued for their fines. Innocence, under a despotical government, was a dangerous alternative that would be embraced by none; but the fines which Middleton and his friends expected were intercepted by his fall, and reserved for the crown, as a subject of future oppression to the people.[21]

Lord Lorn condemned for leasing-making.

But the avarice of Middleton was insatiable; and his revenge was neither restrained by prudence, remorse, nor fear. The estate and titles of Argyle were solicited by his ambition, and the destruction of that unfortunate family was the object of his eager, unrelenting pursuit. Lord Lorn, in a confidential letter from court to his friend lord Duffus, had complained, perhaps with an unguarded freedom, of the calumnies employed to injure his credit with the king; but that he had discovered and defeated his enemies, and gained the man (the earl of Clarendon) on whom their leader (Middleton's) dependence was placed. The letter was intercepted by Middleton; and at the request of parliament, Lorn was remanded to Scotland for trial. It was peculiar perhaps to the Scottish jurisprudence, to

[21] Burnet, 211.

prohibit the arts of court defamation as *leasing-making*, and to punish the complaints of the sufferers as sedition. As the complaint of calumnies, industriously conveyed to the royal ear, was calculated to excite sedition, or to sow dissensions between the king and the people, Lorn, on his arrival, was arraigned on those old and tyrannical laws; and upon his implicit submission to the mercy of the sovereign, for defence was unavailing, the same parliament, which in the preceding session had condemned his father, pronounced a similar sentence of death on the son. His execution was referred to Middleton, his implacable enemy; but his life was preserved by the injunctions of Charles, that no sentence should be inflicted without permission from court. But an act of unexampled severity was passed, to prohibit all intercession for the children of persons attainted in parliament, and to render them incapable of being restored by the king to their titles and estate. No penalty was annexed to the act; for it was an approved maxim among the advocates for prerogative, that to specify the punishment imposed an undue limitation on the crown; but that a prohibitory act without a penalty, might extend to any arbitrary punishment that should be inflicted, less than death.[22]

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Aug. 26.

[22] Burnet, 215. Wodrow, i. 235—8. Kirkton, MS. 22. 38. Brown's Miscellanea Aulica, 209. See in Sir G. Mackenzie's Works, i. 401. an instance of this doctrine.

BOOK VII.

1663. Act of balloting.

Having persuaded the king that the parliament was desirous to incapacitate a few obnoxious delinquents from public trust, Middleton artfully infused an opposite idea into parliament, that the king was secretly disgusted at Lauderdale, and solicitous of such a decent pretext for his removal from office. An act was prepared for the incapacitation of twelve persons by ballot, the result of which was to be scrutinized by a secret committee, and not divulged till approved by the king. The members were previously instructed how to frame their lists; and the earls of Lauderdale and Crawford were disqualified, among others, from public trust. The mail was diligently inspected; the stages were secured, to prevent the secret from transpiring at court; but lord Lorn transmitted the intelligence by private roads, and requited Lauderdale for the preservation of his life. Before the arrival of the commissioners from parliament, the king and Clarendon were prepossessed against the report which was indignantly rejected; and the advantage was improved and pursued by Lauderdale to his rival's disgrace. Though public employments might sometimes be conferred by ballot, punishments by ballot were never inflicted. But by a deception alternately practised on the parliament and on the king, an invisible judgment was pronounced by ballot, in which the malice of his enemies was securely gratified, and a punishment not less severe than iniquitous, was dispensed

without accusation or proof, and even without intimation of the impending danger.[23] Clarendon acknowledged that the measure was inexcusable, but endeavoured to preserve his friend from disgrace, and until the king's anger should subside, advised him to proceed with diligence to enforce the laws so recently enacted for the preservation of the church. 1662.

When the bishops held their diocesan synods, most of the ministers in the north submitted. In the western counties their resolution not to observe the acts, nor to acknowledge, by any canonical obedience, the jurisdiction of the prelates, was confirmed by the patient fortitude of the numerous clergy, whom the act of uniformity had ejected in England. They concerted measures to avoid offence to the state if tolerated, but if silenced, to submit at once to the injunctions of the council; and expected, from the desolate state to which the church would be reduced, that if they stood and suffered together, they would soon be replaced. But the same example had instigated the fierce disposition of Middleton, to retrieve his declining credit at court, by adopting the most exceptionable, and perhaps the only measure in the administration of Clarendon, which fixes on the Clergy ejected.

[23] Miscellanea Aulica, 213. Lauderdale's charge against Middleton is written with a vigour and eloquence seldom to be found in state papers; and conveys an advantageous idea of his talents.

BOOK VII. 1662. Oct. 1. memory of that statesman an indelible stain of duplicity and persecution. In a progress through the western counties, an act of council was framed in a fit of absolute intoxication at Glasgow. Whatsoever ministers had neglected or declined to procure presentations from their patrons, and induction from the prelates, were ordered to remove from their parishes, or to be displaced if necessary Nov. 1. by military force. Three hundred and fifty clergymen were ejected from their livings; above a third part of the church was displanted, and the tears excited by their valedictory sermons, were due to their sufferings, when expelled from their homes in the winter season; deprived of their stipends due for the preceding year; and with their numerous families left destitute of support. The commissioner imagined that the greater number would solicit indulgence or collation from their ordinaries, while the resistance of a few zealots would justify the severities which he was prepared to inflict. Their unexpected submission disappointed, but did not disarm his resentment. The most distinguished clergymen were selected for persecution, on the recent oath of allegiance to the king. However willing to acknowledge that his majesty was supreme *civil* governor in ecclesiastical affairs, their explanation of the oath was rejected; and as no penalties were annexed to the act, they were either confined to remote districts, or enjoined to banish themselves from the king-

dom for life. But the expulsion of the western clergy excited loud discontent. Their austere and exemplary deportment was universally respected. They were connected by consanguinity or marriage with the principal families, and from their endearing familiarity, and fervent devotion, were beloved by the people. The most ignorant or vicious of the clergy, the very refuse of the northern parts, were summoned by a general invitation, and were easily admitted to the benefices of the west. But the negligence or irregular conduct of the new incumbents was ill calculated to remove the prejudices of the people; and the few who from their talents or their birth were above contempt, but from their violence beneath esteem and respect, were no less detested than the others were despised. The people rejecting the instructions of the *curates*, seceded in search of the spiritual manna, that descended no longer around their tents. Each Sunday they abandoned their church and their parish in a body, to attend the worship of their former pastor; and as his habitation was too small or remote for their reception, conventicles first began to be held in the fields. The severities of the privy council were proportionably augmented. The ejected clergy were forbidden to approach within twenty miles of their former parishes, within six of Edinburgh, or a cathedral church, or within three miles of a royal borough; and when the means of earning their subsistence were thus in-

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1669. Origin of conventicles.

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terdicted, the common offices of humanity were proscribed, and the people were forbidden, under the same penalties of sedition, to contribute to their support.[24]

Middleton's disgrace.

From his riotous excesses, the administration of Middleton had become justly contemptible, and from his severities odious; but the removal of an imperious minister seldom proceeds from the sufferings or the complaints of the people. The accusation preferred by Lauderdale might have failed, if Middleton's own indiscretion had not accelerated his disgrace. His services were magnified by the prelates, and on his return to court, he found powerful intercessors in Clarendon, Sheldon the primate, and Monk. But the king was incensed at his presumption in countermanding an order procured and transmitted by Lauderdale to the privy council, to prolong by proclamation the term prescribed for the discharge of fines. His disgrace produced general satisfaction, but the national joy was of short duration. His successors proved more imperious, and worse than himself. Rothes was appointed commissioner to parliament, and was attended by Lauderdale, to whom he was visibly subordinate; but Lauderdale himself was dependent on the prelates, and compelled to yield to their most furious demands.[25] Originally not

Lauderdale minister.

His character.

[24] Burnet, i. 221. Wodrow, i. 145—55—63. 205. App. 18. Kirkton's Manuscript, 44.

[25] Clarendon's Life, ii. 96. 105. Hist. ii. 582. iii. 124. Burnet, i. 143.

less attached to the covenant than at present to the court, he engaged in its measures with the zeal of a proselyte; determined that no compliance should be omitted to promote his ambition or to preserve his place. His personal appearance is perhaps satirically described as enormous or uncouth; his hair was red and dishevelled; his tongue too big for distinct articulation; his address ungracious, and his manners coarse, boisterous, and unsuitable to the fastidious refinement of a court. During a long imprisonment, his mind had been carefully improved by study, and impressed with a sense of religion which was soon effaced on his return to the world. His learning was extensive and accurate; in public affairs his experience was considerable, and his elocution copious, though unpolished and indistinct. But his temper was dark and vindictive, incapable of friendship, mean and abject to his superiors, haughty and tyrannical to his inferiors; and his judgment, seldom correct or just, was obstinate in error, and irreclaimable by advice. His passions were furious and ungovernable, unless when his interest or ambition interposed: his violence was ever prepared to suggest or to execute the most desperate counsels; and his ready compliance preserved his credit with the king, till his faculties were visibly impaired with age.

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When the parliament reassembled, Middleton's friends were removed from the articles, and the

Parliament. June 18.

BOOK VII. 1668.

former mode of election was revived. The prelates selected eight peers, who appointed eight prelates in return; the sixteen assumed an equal number of barons and burgesses, to whom the officers of state were superadded; and from the servility of the prelates, the nomination of the articles, and the independence of parliament were resigned to the crown. An act was passed at their instigation, against disobedience to ecclesiastical authority, and separation from the church. The clergy, ejected or silenced by their bishop, were punishable as seditious if they presumed to preach. On their separation or absence from their parish church, landholders forfeited a fourth part of their rents, tenants and citizens a fourth part of their substance, the freedom of their corporations and the privilege of trade; and were subjected besides to such corporal punishment as the privy council might choose to inflict.[26] A declaration framed in the preceding session, to abjure the covenant and renounce the right of resistance, was confirmed by the same severe penalty of incapacitation, and the loss of the privilege to trade; but the experience of every age may demonstrate, that the most solemn disavowal will never prevent the resumption of those rights which are deemed in-

[26] Parl. 1663, ch. 1, 2. The act against separation preceded, and appears to have suggested the act against conventicles in England, passed 1664.

alienable.[27] An army of twenty-two thousand horse and foot was offered, not for internal defence, but to march to whatever place the sovereign might require. To enhance the value of his services, Lauderdale proposed, by this splendid offer, to represent the real utility and importance of Scotland, if an arbitrary government were introduced into England.

Wariston's execution. July 22.

Johnston of Wariston, who had escaped to the continent, and had resided two years unmolested at Hamburgh, was discovered at Rouen on his removal to France, and delivered up to the resentment of the English court. When produced in the present parliament to receive sentence of death, his faculties were so much decayed, and his body so debilitated by age and sickness, or by the treacherous prescription of the king's physician,[28] that his incoherent defence afforded a sub-

[27] The declaration of Colville, a presbyterian clergyman, deserves to be recorded; that he wished the people to believe resistance unlawful, for the sake of public tranquillity, but that kings and their ministers should believe it lawful, and govern like men who might expect to be resisted. Burnet, i. 228.

[28] Strange as this circumstance may appear, it is asserted by Kirkton, who attended him in prison, and intimated in his speech on the scaffold, that he was poisoned at Hamburgh, and drained of sixty ounces of blood by Bates, author of the Elenchus Motuum, and successively physician to Cromwell and to Charles II. Nor is it discountenanced by Bates's character, who permitted his friends to boast, after the restoration, that he had accelerated Cromwell's death by his prescriptions. Biographia Brit.

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ject of cruel derision to his enemies, and a melancholy spectacle to the compassion of his friends. His sentence in such a situation, was a reproach to government. Lauderdale durst not, however, protect a man whom the presbyterians revered, and against whom the king was personally exasperated. His faculties seemed to revive on the scaffold, where he spoke and suffered with devout enthusiasm. Among the presbyterians, his lengthened devotions, and zeal for the covenant, had procured a reputation of superior sanctity, which, as it was confirmed by martyrdom, is still preserved. But he was a man of more than common understanding or genius; of an active, violent, and disinterested spirit; of a quick and vivid invention; of an extensive and tenacious memory; incapable of repose; indefatigable in application; ever fertile in expedients; endowed with a vehement, prompt, and impressive elocution; and at a time when the nobility themselves were statesmen, his political talents raised him from an obscure advocate, to a level with the prime nobility in affairs of state.[29]

Ecclesiastical commission.

The dissolution of a servile, vindictive parliament was acceptable to the people. But the execution of its laws remained, in which the cruelties inflicted by government are hardly consistent with the character of a civilized state. A court of ec-

[29] Burnet, i. 37. 297. Naphtali. Wariston kept a minute diary of his life, which, if still extant, would explain the most secret transactions of the covenanters. Kirkton, MS.

clesiastical commission was procured by Sharp, consisting of nine prelates and thirty-five commissioners; but a bishop, with four assistants, composed a quorum, to which the civil and military officers were all subordinate. Neither time nor place was prescribed for their meetings; and an ambulatory court was established on the principles of the inquisition; an ecclesiastical court, bound by no forms of law, was instituted to exercise a civil jurisdiction for the preservation of the church. Its summary proceedings were conducted without accusation, evidence, or defence. The persons cited were convicted on captious interrogatories, and if legal defences, or satisfactory answers, were returned to the questions, they were punished on their refusal to receive the oath of allegiance, which was invariably tendered, or to acknowledge the spiritual supremacy of the king. The violence of Sharp was abetted by Rothes, who overruled the moderation of the temporal judges; and the commission proceeding from imprisonment and ruinous penalties, to corporal punishments, appeared to emulate or even to exceed the severity of the privy council. Every petty or pretended riot was magnified into a conspiracy against the church or state. The gaols were crowded with prisoners; numbers ruined by penalties, sought a refuge among their countrymen in Ulster, till at length the people, preferring the danger of outlawry, refused, when summoned, to attend the commission;

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the lay commissioners refused to witness its illegal violence, and the commission sunk into such general contempt, that in two years it was suffered to expire.[30]

Military persecution.

But a severer, and more extensive persecution was already introduced. The western counties, which continued refractory, were abandoned by government to military oppression wheresoever the people had deserted the church. The clergy were the sole accusers; and the soldiers, at once the judges and the instruments of justice, were commanded by Turner an Englishman, naturally ferocious and almost always drunk. Lists of recusants were presented by the clergy, and the people, fined by Turner without examination, were *eaten up* by the military quartered upon them till the fines were discharged. The penalties were enormous; the insolence and oppressions of the soldiers intolerable. Neither the old and infirm, nor widowed or orphan indigence, were exempted from fines, which the soldiers were permitted to exact at discretion, on their absence from church; and as the landlords were rendered responsible for their tenants and servants, so the tenants were *dragooned* and ruined by quarterings if their landlords withdrew. Their substance was consumed or sold to discharge the penalties; their families

[30] Kirkton, 51. Burnet, i. 301—8. Wodrow, i. 192—7—9—223. Cruckshank's Church Hist. i. 183. Crawford's MS. Hist. ii. 74.

were reduced to indigence and dispersed; and for three years this desolating persecution was successively resumed. Additional forces, to prevent the danger of an insurrection so industriously excited, were raised as an additional source of persecution. The fines imposed by the late parliament, which had been frequently suspended, but never entirely remitted by Charles, were appropriated to their support, and were levied as usual, by free quarters and military execution. No defence nor exemption was admitted.[31] The complaints of the people were disregarded by government, and chastised by the soldiers. The indigent were dragged to prison, and the public gaols, which the high commission had filled and crowded, were emptied by the transportation of the prisoners to Barbadoes. The commons implored in vain the protection of their superiors, who durst not interpose; and under the influence of Sharp and the prelates, which Lauderdale's friends were unable to resist, the government seemed to be actuated by a blind resentment against its own subjects. Such was the insolence or apprehensions of the prelates, that twenty of the chief gentlemen in the western counties were, for several years, imprisoned at

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[31] The king is represented by Hume, as endeavouring to mitigate or persuade his ministers to remit one half of the fines. But the fact is that they were levied intire, for his own use. Wodrow, i. 203—6—25—37.

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their instigation, to prevent the danger of an insurrection during the Dutch wars.[32]

Insurrection in the West.

The presbyterians had endeavoured hitherto to disarm the resentment of government by submission; but their submission had furnished an additional pretext to prolong their miseries, and to justify those coercive measures to which such prompt, and unexpected obedience was given. Turner, in his third expedition, which continued upwards of seven months, had spread desolation and despair through the West. Many families were dispersed and scattered over the kingdom. Numbers, both of the gentry and peasants, were driven from their habitations, to lurk for concealment in morasses and mountains.[33] The presbyterians perceived that their ruin was determined, and their sufferings had already risen to such an unhappy extreme, that no consideration but the improbability of success, could prevent their resistance. It is said that their clergy were encouraged to resist, by the confusion and dismay which the recent fire of London was expected to create. Their own account is more simple and correct.

Nov. 13

An indigent old man, unable to discharge the fines of the church, was bound and extended on the ground, to be conveyed to prison; but the peasants, moved with sudden indignation at this cruel treat-

[32] Wodrow, 184—6—9—9224—37. App. 86. Burnet, i. 308. Naphtali. Hind let loose, 184.

[33] Burnet, i. 341. Wodrow, i. 241—83.

ment, disarmed the soldiers in order to procure his release. Despair, and the apprehensions of an indiscriminate punishment, increased their numbers; and after securing the soldiers in the neighbourhood, they surprised Sir James Turner, who remained at Dumfries with a slender guard. He had no mercy to expect from their rage; on examining his instructions, however, his severities appeared comparatively so mild, that his life was preserved. Their numbers were still inconsiderable, but by the influence of some ejected clergy, they were augmented to two thousand on their arrival at Lanerk. There they renewed the covenant, after a solemn fast, and in a public declaration professed that their allegiance to the king was undiminished; protested that their recourse to defensive arms was to remove the oppressions under which they suffered, and demanded that their beloved presbytery should be re-established, and their ministers restored. Their commanders were Wallace and Learmont, two obscure officers, for the principal gentlemen were still imprisoned; but the spirit of the country was subdued by oppression; and in a fatiguing march towards the capital, instead of acquiring strength, they were deserted by half their numbers in a single night.[34]

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Rothes, a few days previous to the insurrection, had departed for court, and the government re-

Defeated at Pentland.

[34] Burnet, 241—57. Law's Memoirs, MS. Advocates' Library. Kirkton's MS.

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mained in the hands of Sharp, whose consternation was extreme. Dalziel, the general, collecting his forces at Glasgow, pursued the whigs, as the insurgents were denominated, who approached within a few miles of the capital. But the gates were secured and protected by cannon; the neighbouring gentlemen were summoned to its defence; the lawyers and principal inhabitants were embodied; and as all egress from the city was prohibited, the whigs were disappointed of the expected aid of their friends. They listened to an insidious cessation of arms, till almost surprised; but the proclamation requiring them to disperse, contained no offer of indemnity or pardon. Their numbers were reduced to eight hundred, dispirited and exhausted by want, disappointment, and fatigue.

Nov. 28 On attempting to return by the Pentland hills, they were overtaken by Dalziel, whom they repulsed at first in different attacks; but at sunset their ranks were lost, or broken by the cavalry, and they were overpowered and dispersed. Not above fifty were killed, nor more than an hundred and thirty taken in the pursuit. The rest were preserved by the darkness of the night, by the fatigue of the king's troops, and by the compassion of the gentlemen who composed the cavalry, for their unhappy countrymen whom oppression had rendered mad and desperate, but whose behaviour during the insurrection was inoffensive and mild. The inhabitants in the vicinity were less

merciful, and many of the fugitives were intercepted and slain.[35]

No sooner were the two archbishops released from their terror, than the common observation was fully verified, that cowardice and cruelty are seldom disjoined. Whether the public faith is to be observed with rebels, whether they should be tried and punished for treason, after surrendering on assurance of quarter, a question which the victorious party must ever determine, was agitated in vain. The most moderate of the episcopal clergy urged in vain, that an opportunity had now occurred to conciliate the people, by their humane intercession for the lives of the prisoners, and by their interposition to preserve the country from military oppression. But the prelates, who considered revenge as more profitable and useful to their order than clemency, indulged or instigated the most sanguinary revenge. Burnet, archbishop of Glasgow, proposed that such as refused to abjure the covenant, should be indiscriminately executed. Sharp, who presided in council, incited the clergy to inform against their parishioners, nor were they unwilling or slow to perform that disgraceful task. Above twenty of the unfortunate prisoners were executed at Edinburgh; ten on the same gibbet, whose heads were placed on the city gates, and their right arms were sent for the same purpose to Lanerk, where the covenant

[35] Kirkton's MS. Wodrow, i. 253. Burnet, i. 345.

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had been subscribed. Thirty-five were executed in the country, at their own doors; and in order to discover the origin of a casual insurrection, some were inhumanly tortured before their death.[36] Their lives indeed had been conditionally promised, if they would renounce the covenant. But they died with such exultation, that it was difficult at last to procure executioners: they bestowed such solemn testimonials on the covenant, that their declarations on the scaffold were silenced with drums. Executions became so frequent, that an order arrived from court to prevent the judicial effusion of blood. It was withheld from council by the two archbishops, till the execution of Maccail, a young preacher, whom they had excruciated in order to extort a confession of his associates, or of the conspiracies from which the insurrection was supposed to originate. The common instruments of torture were boots of iron, within which the leg was compressed with wedges. But Maccail endured the torture till his leg was crushed and broken; and expired in ecstasy on the scaffold, exclaiming with a sublime enthusiasm, "Farewel, "thou sun and moon! the world and all its de- "lights, farewel! Welcome, God my father! wel- "come, Christ my redeemer! welcome, glory and "eternal life! welcome, death!" At these rapturous exclamations, uttered in a voice and manner

[36] Kirkton's MS, Mackenzie's Works, ii. 218. Wodrow, i. 257–9. Shields' Hind let loose, 186.

peculiarly impressive, every eye was suffused with tears.[37] BOOK VII

1667. Military execution.

As if public vengeance were not yet satiated, military execution was introduced into the West. The severities which Turner had inflicted on the people, were surpassed by Dalziel and Drummond; officers of a brutal character, inured to cruelty in the Russian service. Some were put to the sword, or executed on the highway without a trial; others were tortured with lighted matches fastened to their fingers, to extort confession; and among the atrocities imputed to Dalziel, a son was executed because he refused to discover his father; and a woman accessory to her husband's escape, was tortured to death.[38] The soldiers were indulged in every species of military excess. Rapes, robberies, and murder were committed with impunity, and the prisoners arrested on suspicion were stript and thrust into crowded, contracted, and unwholesome gaols. Instead of imposing penalties, a sufficient number of soldiers were quartered on recusants, to ruin or *eat them up* in a single night. The clergy, instead of interceding for the people, abetted the crimes of the military with whom they associated; aided or directed their violence; connived at their excesses; and amidst calamities productive of a transient conformity, rejoiced at the golden age which the church enjoyed. The western counties were subjected for seven

[37] Kirkton's MS. Naphtali. [38] Id. 67. Burnet, i. 349.

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months to every species of military outrage, till the appearance of a Dutch fleet in the Forth recalled the troops to the protection of the coast.[39]

Trials and conviction in absence,

Nor were the judges permitted to escape the infamy of the times. It was an established maxim, adopted from the Roman law, and even in questions of treason confirmed by statute, that none could be condemned when absent, or deprived by outlawry of a legal trial on their appearance in court.[40] A salutary maxim, necessary to prevent the indiscriminate proscription of adverse parties, had been so firmly established, that when trial after death was introduced by statute, the bones of the deceased, to preserve the forms, if not the spirit of justice, were presented at the bar; and when decrees of *forfaulture* were pronounced in parliament, against the absent, no sentence was passed till they were produced and heard in their own defence.[41] But the gentlemen, whose estates the government was desirous to confiscate, remained concealed or were preserved by flight; and the authority of the court of session was required for their conviction. The officers of state, having privately tampered with the judges, presented a series of questions to the court: Where the treason is notorious, if trial

[39] Kirkton's MS. Wodrow, i. 264. Naphtali. Hind let loose, 186.

[40] Parl. 1587, ch. 91.

[41] Montrose and Wariston, though forfeited in his absence, were both heard before sentence was pronounced.

be competent after death, why not in absence? if forfeitures in absence can be pronounced by the legislature, why not by the court of justiciary, to whom, whatever is just in parliament, must be equally competent? An obsequious court, in opposition to the established laws of the realm, did not hesitate, on such fallacious deductions, to deliver a solemn opinion, that the justiciary court might proceed, in the absence of the accused, to the trial and condemnation of such contumacious traitors as refused to appear.[42] Of fifty-five gentlemen arraigned in their absence, above twenty were tried and condemned to be executed whenever apprehended. Their estates were conferred on Dalziel and Drummond, or retained by the officers of state to enrich themselves. Conscious that the opinion of the civil, and the proceedings of the criminal tribunals were illegal, they applied to the next parliament to confirm the sentence, and to enlarge the powers of the justiciary court. They solicited no indemnity nor authority for an illegal punishment, recently introduced. The prisoners who refused to abjure the covenant, or to subscribe the declaration and oath of supremacy, were condemned to transportation by the king's instructions, and adjudged to servitude in the English plantations. No penalty was annexed to the sta-

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Illegal.

Transportation illegally introduced.

[42] Mackenzie, ii. 74. Wodrow, i. 286. Arnot's Criminal Trials, 80. Even Mackenzie seems to reprobate the opinions and trials as illegal. p. 75.

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tute. According to the new maxims of the arbitrary government, that to specify the penalty were to limit, not to enlarge the prerogative, transportation was thus introduced by the privy council as an adequate punishment on the refusal of the oaths.[43]

Effects of persecution.

The severities which I have described, or shall hereafter have occasion to relate, may excite surprise and regret, that the government had not yet acquired moderation or lenity from past experience, nor discovered that persecution confirms, instead of extirpating, the religious opinions or prejudices of the human mind. The inefficacy of persecution is the discovery of science, but the benefits of toleration are the slow result of the commercial intercourse of men, and of their growing indifference to religious disputes. Every church is inspired with the zeal of procuring proselytes, and unless disarmed by the lukewarm faith of the government and the people, an established church is ever desirous to impose its tenets by force on refractory sects. A government monopolized by an exclusive party, is equally disposed to persecute the adverse faction. The natural operation of power is to vitiate the heart; and it is the tendency even of the best and most refined governments, to relapse into persecution, against which there is no effectual security but popular assem-

[43] Mackenzie's Observations on Stat. i. 461. Wodrow, i. 270.

blies equally accessible to every party, and uninfluenced by the government which they are intended to control. But the royalists were a furious and vindictive party, hostile alike to the liberties and religion of the nation. On obtaining the exclusive possession of power, they dispensed, in a single breath, with the most valuable privileges which the nation had recovered; the liberties and triennial succession of parliaments; the choice of the articles; the freedom of debate; the independence of the judges; and conspired to enlarge, and exalt the prerogative till the government became radically and constitutionally despotical. The prelates by whom the administration was actuated, were mostly apostates from the presbyterian church; indifferent to religion; ambitious and intent on the acquisition of power, which they deemed insecure and precarious, unless severities were daily multiplied for their preservation. The presbyterians incapacitated, and excluded from trust by declarations and oaths, had no means to abate the rigors, and scarcely enjoyed the protection, of government. The humanity of their sovereign, who appeared insensible to their sufferings and complaints, was a feeble resource. His occasional interposition was partial, tardy, and seldom effectual. His choice had invariably been fixed on the worst ministers, as the most devoted to his power; and the presbyterians had reason to lament, that the former recall of the king, and their

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On the constitution.

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credulous reliance on his royal word, had reduced the nation under a foreign yoke that terminated in their present oppression and servitude.

A mild administration.

The mismanagement of the Dutch war was productive, however, of an unexpected change in the administration of Scotland. The violence of the two archbishops had been artfully fomented or indulged by Lauderdale, till it reached a crisis destructive to themselves. Their influence had established a party in the council superior to his friends, and in order to perpetuate their authority, and to enrich the commanders, who consisted chiefly of their adherents, they proposed to continue the army, and to preserve a military government in the western shires. But their power appeared to be ripe for dissolution. Towards the conclusion of an unfortunate and disgraceful war, the king was compelled to mitigate everywhere the rigors of government, and was disposed to sacrifice even his most faithful servants to the public resentment. The opportunity was seized by the earls of Tweedale and Kincardine, to represent the wretched state to which the country was reduced. The chief support of the prelates was lost by the fall of Clarendon, whose exile deserves to be recorded, like the fetters of Columbus, as a signal memorial of the ingratitude of kings. The first symptom of their decline and disgrace, was an order for Sharp to retire to his diocese from public affairs. Sir Robert Murray, whom the royal society should

revere as its father, was appointed justice clerk, and the people were pleased and gratified, when a judicial office so important and dangerous, was conferred on the most upright, and accomplished character which the nation produced. The appearance of a Dutch fleet in the Forth, while the commissioner was absent in the North, and the army uselessly employed in the West, afforded a decent pretext for the removal of Rothes. After exciting a false alarm, the fleet departed to rejoin De Ruyter, and to assist him in burning the shipping in the river Thames. The absence of Rothes and the army, at a time when the coasts were insulted and the country endangered, was aggravated by Lauderdale to accelerate his removal; and he was deprived of his numerous offices, the treasury, the command of the army, and the presidency of the council; but he retained the office of chancellor which was confirmed for life. A milder administration succeeded. The nation began to breathe again under Tweedale, Kincardine, and Sir Robert Murray, and enjoyed for a time, if not the blessings of liberty, the benefits at least of an humane and impartial government.[44]

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When the army was withdrawn from the West, and disbanded on a peace, some security was required on the removal of military force. The prelates who demanded that the declaration should still be exacted, expected a fruitful source of per-

Bonds of peace.

[44] Kirkton, MS. 68. Burnet, i. 350—5. Wodrow, i. 271.

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secution from the refusal of the presbyterians to abjure the covenant. The ministry recommended a milder expedient, that suspected persons should enter into bonds, instead of religious tests, for the preservation of public peace. The interposition of a private contract to secure the public tranquillity, may appear to derogate from the dignity of government; but the bonds of peace were requisite to appease the jealous apprehensions of the court; and as they were accompanied by an ample indemnity, they were generally preferred to religious tests, except by a few who scrupled to profess obedience to iniquitous laws.[45]

Attempt on Sharp's life. July 11.

The apostasy of Sharp had excited such deep resentment, his rigors had inspired such implacable revenge, that it is not surprising if, among a persecuted sect, and a fanatical party, some attempted to perpetrate a deed of which few disapproved. While sitting in his coach by day, in the public streets, a pistol was discharged at his person, through Honyman, the bishop of Orkney's cloak, while ascending the carriage; but the bishop's arm intercepted the balls. Such was the hatred of the archbishop, that the assassin was permitted to cross the street and to escape through a lane. On disengaging himself from his disguise, he returned to the crowd; and, notwithstanding the most vigilant search, remained undiscovered, till recognized six years afterwards by Sharp himself. The outcry

[45] Kirkton, MS. 287. Burnet, i. 376.

against the covenanters was renewed, and Honyman, whose arm was shattered by the bullets, languished for a few years and died of the wound. For a time, the primate affected a transient lenity, but as such an atrocious deed must exasperate the mind, no real moderation was inspired by his escape.[46]

Comprehension of sects attempted.

The humane design to relieve the presbyterians, was retarded, not discouraged by the attempt on Sharp. The scandalous lives, and the ignorance of the western clergy were notorious, and the people were agitated and inflamed by a hot, itinerant race of youthful preachers, whose fiery polemics required a present remedy, more efficacious than persecution could afford. An accommodation with the presbyterians was attempted by Leighton, while the situation of the church might admit of an easy comprehension of sects. The prelates, intent on the acquisition of power, had introduced no material innovation in its worship or its rites. Its worship was still extemporary, or in some congregations was exchanged for a portion of the liturgy; the sacramental rites were administered without kneeling, or the sign of the cross; and as the surplice, the altar, and the offensive ceremonies of the preceding reign were not generally revived, an uniform mode of worship was not difficult to be restored.[47] The chief obstacle, and

[46] Burnet, i. 471. Kirkton, MS. 71.

[47] Sir George Mackenzie's Works, ii. 343. Skinner's Hist. ii. 467.

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almost the only source of defection, was the government of the church, which, according to Leighton's scheme of comprehension, was to be restored to its former situation in the reign of James. The bishops were to relinquish their negative, and not to ordain without the concurrence of the presbytery; and their authority was to be reduced to little more than a right to preside in ecclesiastical courts. The presbyterian clergy were to be replaced and relieved from canonical oaths, and permitted, on their ordination or return to their presbyteries, to exonerate their conscience by a protestation against the precedence of the bishops, to which they submitted only for the sake of peace. Leighton, whose proposals were moderate, yet artful to an extreme, expected that the protestations would soon be forgotten, and represented to his own order, that their authority would easily be recovered, without the danger of a schism, when the present generation had sunk into the grave. But the prelates were not more unwilling to unlock the gates, than the presbyterians to enter within the pale of the established church. The latter were apprehensive of the same consequences which Leighton anticipated, that if the people were once accustomed to the name of prelates, presbytery would expire with the present generation, and therefore they preferred a separate, precarious existence, as a persecuted sect, to a secure and honourable, but obscure asylum, during the remain-

der of their lives. The people were industriously impressed with their fears; *touch not, taste not, handle not*, was their favourable text against religious communion with an hostile sect. The accommodation was protracted by fruitless conferences, in which their scrupulous obstinacy was generally blamed; but when their church had been deprived so lately of a legal establishment, it is not surprising that in the true spirit of sectaries, they declined a comprehension which must have soon extinguished their religion and their name.[48] BOOK VII. 1669.

A partial indulgence proposed at the same time by Tweedale, would have proved a more efficacious remedy, had it been extensively adopted, or even steadily pursued. A part of the ejected clergy was permitted to officiate in vacant churches, and a small salary was promised to others who remained unprovided. The wages of silence were rejected, or rather were never paid: but the indulgence was at first so acceptable, that at different times above forty ministers were restored to their churches; and their labours were at first so successful, that the people endeavoured, in other parishes, to purchase the resignation of the episcopal incumbents. But the exiled and ejected clergy, inveighed at an indulgence from which they were excluded themselves. In a few years, their publications and sermons against an Erastian dependence on the civil Indulgence.

[48] Burnet, i. 362. 400. 402—33. Kirkton, MS. 42. Wodrow, i. 334. Appendix, 132.

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magistrate, estranged and separated the people from the indulged. When the latter ceased to preach to the times, the salt of their doctrine lost its relish, and it was visible to the people that the divine grace with which they were endued in conventicles, had departed on their submission to the injunctions of the civil power. The king's curates, as they were contumeliously denominated, were compared to dumb dogs, unable or afraid to bark. The controversy continued burning for many years. The people returned to their conventicles with an increase of appetite, the temporising clergy relapsed into those popular doctrines which they had been forbidden to preach. But the severity of government was soon awakened by the rapid growth and increase of conventicles, for which the indulgence was supposed to leave no pretext.[49]

Merits of administration.

While the present humane administration subsisted, the most assiduous application was given to public affairs. Intemperance and other vices of the age were discountenanced; justice was impartially administered; the excesses of Turner and his officers were strictly investigated; claims on government were regularly discharged, and an annual surplus of the revenue was appropriated to purchase magazines of arms, and to promote useful schemes of manufacture and trade. Tweedale and Murray were united by a sincere friendship, but unhappily for the country, the duration of

[49] Wodrow, i. 303—51. Burnet, i. 413.

their authority depended on the support they received from Lauderdale, whose character, so various at different periods, had undergone a sudden and surprising change. On his return to the world, the devout studies of his early years were abandoned for the profligate manners of the times. But his influence hitherto had been exerted patriotically, for the benefit of his country, till he renewed an amorous connection with the countess of Dysart, whom he married afterwards on the death of his wife: a woman of beauty, wit, and spirit, full of intrigue, whose blandishments Cromwell had been unable to resist, and whose literary accomplishments were beyond her sex, acquired an absolute dominion over his mind. She was vain and prodigal in her expences; venal, rapacious, or rather ravenous for money; violent in her friendships, but more implacable still in her resentments; of a restless ambition; ardent, insatiable, and deterred by no principle nor compunction from the attainment of her ends. Her vices and passions, to which Lauderdale became subservient, dishonoured his character and degraded his capacity in the public estimation. She inspired his mind with her own resentments; she incited him to quarrel successively with his best friends; and as she persuaded him that Murray, whom her father had formerly destined for her husband, assumed the sole merit of administration, the jealous Lauderdale, whose pride was alarmed at her sug-

BOOK VII. 1669.

Lauderdale's interference.

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gestions, determined to superintend the government of Scotland himself.[50]

A parliament. Oct. 19. Union attempted.

A feeble attempt of Tweedale's to accomplish an union of the two kingdoms, was encouraged by Lauderdale, that he might hold a parliament in person as high commissioner. The king was empowered to appoint commissioners for a treaty of union. Instructed, however, by the insignificant share which their country acquired in the government during the usurpation, they refused, on a subsequent treaty, to accede to an union, unless the Scottish estates were preserved entire, and instead of a proportional representation, the two parliaments were incorporated into one.[51] But an union was utterly inconsistent with Lauderdale's designs. From an ostentatious display of his influence and services in the Scottish parliament, he expected to acquire a share in the administration of England, and succeeded at length in obtaining admission into the celebrated Cabal. An act to explain and assert the prerogative was first procured. To the nobility he represented that the insolence of the prelates would be more effectually restrained; to the presbyterians, that a change would be sooner accomplished, if religion were left entirely to the disposal of the king. The external government and regulation of the church was declared an in-

Two dangerous acts procured by Lauderdale.

[50] Burnet, i. 360. Kirkton, 80.

[51] Kirkton, 80. Mackenzie, ii. 359. De Foe's Hist. Union, p. 54, 725.

herent right of the crown, and whatsoever his majesty should enact, respecting all ecclesiastical matters, meetings, and persons, when recorded and published by the privy council, acquired the same force and operation as laws. The religion of the king was not then suspected; but when the attachment of his brother to popery transpired, there was no longer any doubt of Lauderdale's intentions to recommend himself to the duke, by providing a previous, discretionary power to introduce whatsoever religion he chose into the church. The next act was to confirm the national militia, which, in consequence of the offer of an army by the late parliament, had been embodied, armed, and regularly disciplined. An established militia of twenty-two thousand men was ordered to march wheresoever the privy council of Scotland should appoint, and the honour or the safety of the king might require. In procuring acts so dangerous to the religion and liberties of either kingdom, Lauderdale exulted in his services to the crown. The supremacy was more firmly established than even in England, and the church was prepared to receive any religion which the king should enjoin. An army, a treasury, magazines of arms, were provided in Scotland to support his authority, and the army was ready to march into England, on a secret intimation to the privy council, whose proceedings might be disavowed at court, if they failed of success.[52]

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[52] Parl. 1669, ch. 1, 2. Burnet, i. 218. Wodrow, i. 310.

BOOK VII.

1670. Parliament. July 28.

The second session of parliament is distinguished by severe and sanguinary acts against conventicles, which the military had of late been employed to disperse. The people resorted to sermon in the open fields, which they preferred to houses for the purpose of escape or defence. A large conventicle in Fife, was attended by gentlemen in their ordinary arms, and the reproaches of the court, or of the English prelates, awakened Lauderdale to all the rage of persecution. House-conventicles were repressed by the former laws against separation; and husbands were rendered responsible for their wives, fathers for their children, and magistrates for the towns within which they were held. Field-conventicles were more severely restrained. The preachers were subjected to confiscation and death; their hearers to double fines and penalties of sedition. A reward of five hundred Scottish merks was offered for their persons, or an indemnity for their slaughter; and house-conventicles were estimated and punished as field-conventicles, if crowded without, at the windows or doors. Whatsoever persons refused to depose against delinquents, or to furnish information on oath against such as held or frequented conventicles, were punishable by imprisonment, arbitrary fines, transportation to the plantations; and the privy council was enjoined to enforce the utmost rigor of the act, against all who decline to turn public informers against their relations and friends. It is observable that the king

Severe laws against conventicles.

himself disapproved of the first as a sanguinary statute, but his humanity never interposed to prevent its renewal in the subsequent parliament, much less to procure its repeal. A severe and iniquitous law was productive, however, of unforeseen mischiefs. Instead of being deterred by its rigors, the people repaired to conventicles with arms for their defence; and as field-conventicles became more numerous, armed conventicles began to prevail.[53] BOOK VII. 1671.

When three-fourths of the nation are represented as sectaries from the national worship, the perversion of terms may excite a smile of contempt; but when the majority of a people are proscribed and persecuted for religious opinions, we must lament that fatal intermixture of the human passions, which though more frequent, and esteemed more venial in the transactions of government than in the administration of justice, is yet more destructive to the human race. From the corrupt and furious passions of Lauderdale, his administration relapsed into the same tyranny from which he had relieved the nation; with this difference, that in proportion as it was prolonged, it became daily worse. On his return to Scotland with the title of duke, his insolence provoked universal disgust. The parliament was adjourned till the countess of Dysart, whom he had now married, was conducted round the country, where they were Lauderdale's administration; tyranny and insolence. 1672. June.

[53] Parl. 1670, ch. 2, 5, 7. Wodrow, i. 323. Burnet, i. 429,

BOOK VII. 1672.

attended and received in their progress with regal pomp and respect. Their profusion was immense; and in the hands of his rapacious duchess, every thing became venal in Scotland. As his humour or interest predominated, the presbyterians were alternately persecuted and their clergy indulged; but persecution, instead of being committed to the prelates, was reserved as a source of emolument for himself and his friends.[54] Some idea may be formed of his violence and rapacity, of which it is impossible to enumerate the particulars, from a lively sketch of the grievances and the situation of the country under his administration.

Situation and grievances of the nation. Nobility.

The nobility, who exceeded an hundred, were immersed in poverty and debt, and supported mostly by pensions from the crown. From their numbers they acquired the chief sway and control in parliament; but their lofty titles and decayed fortunes rendered them equally obsequious to the favourite and oppressive to the nation. They had no access to the throne, except through the minister who engrossed the absolute disposal of offices, and from his residence at court they sunk with the country into an absolute submission to his meanest dependants, his servants and friends.[55]

Courts of justice.

The privy council and the courts of justice were filled with his creatures, but the former enjoyed no

[54] Burnet, ii. 61.

[55] Miscellanea Aulica, 190. Wodrow's Hist. i. App. 147. and Collections, MS. vol. xxvii. 8vo. Adv. Library.

share in the government, except the merit of an implicit execution of his commands. The latter consisted of ignorant or unprincipled judges, merchants, country gentlemen, collectors of revenue; and under the management of lord Hatton, his brother, and Dalrymple the president, it is asserted that favour, bribery, partial and corrupt judgments prevailed beyond any former periods.[56] An alteration was introduced by parliament into the justiciary court, to which five lords of session were conjoined, instead of the deputies whom the justice general, or the assessors whom the privy council were accustomed to appoint. But the expectations of parliament were not entirely fulfilled, as the criminal court was converted into a chamber of the court of session, infected with the same abuses, and equally devoted to the ministers of the crown. BOOK VII. 1672.

The revenues of Scotland were engrossed and wasted by Lauderdale and his friends. The parliament was prolonged above four years, that he might enjoy the emoluments and rank of commissioner; and his revenues during his abode in Scotland, exceeded those of its ancient kings. His salary was sixteen thousand pounds sterling; the donatives which he obtained, twenty-six thou- Abuses of revenue.

[56] Id. The judges, &c. by repeated and recent statutes, had been forbidden to grant protections from arrestments, under the penalty of becoming responsible for the debt. Protections, however, became so frequent, that they were openly purchased for five pounds a-piece. Mackenzie's Observ. i. 308. Wodrow, i. App. 143.

BOOK VII. 1672.

sand; but the annual revenues of the crown, the surplus revenue accumulated by Murray, and an assessment of seventy-two thousand pounds, were insufficient to support his profusion, and quickly disappeared in his hands. A gift of the feudal incidents of ward and marriage, was conferred on the earl of Kincardine; another of the incidents due before the restoration was engrossed by Lauderdale, and exacted in the most oppressive manner from the vassals of the crown. But the most lucrative and oppressive sources of extortion were the penalties and compositions for attending conventicles, of which it is impossible to estimate the amount. Nineteen hundred pounds sterling were exacted by Athol, the justice general, for his own emolument in a single week. Two gentlemen, one of whom was a youth from school, and the wife of the other had attended a field-meeting, compounded for fifteen hundred pounds. Thirty thousand pounds were imposed on ten gentlemen, and these not the most considerable, in the shire of Renfrew. Injustice was aggravated by the insolence of Lauderdale, whose unfeeling jests insulted those who compounded for their fines. The penalties of nonconformity within particular districts were farmed out, or assigned to his dependents; and the estates of those who withdrew from his rage and insolence, were plundered and wasted by gifts of escheat.[57]

Extortions.

[57] Wodrow's App. 346—62. Scotland's Grievances under the Duke of Lauderdale. Crawford's Hist. MS. ii. 113. Burnet, ii. 65.

The trade of the kingdom was almost equally oppressed. In Middleton's parliament, the regulation of duties on foreign trade was transferred to the crown; but an act intended to establish a balance of trade with England, was productive, in Lauderdale's hands, of the most pernicious monopolies for the benefit of his friends. A duty, equivalent to a prohibition, was imposed on foreign salt; the pre-emption of home-made salt was conferred on lord Kincardine; and a necessary article was enhanced above five times its original price. A large impost was laid on tobacco; the importation of brandy was prohibited; and an odious monopoly was created by the sale of licences to import those articles of general consumption. Among other grievances which it were unnecessary to enumerate, the adulteration of the coin was universally felt. The currency of foreign money was fixed beneath its intrinsic value, that it might be brought to the mint, where lord Hatton presided. The silver coinage issued in return was adulterated and reduced in weight, and the country was filled with a species of light and spurious copper.[58]

BOOK VII. 1672. Monopolies.

From these grievances, the designs of Lauderdale and the court, to render the one kingdom instrumental to the servitude of the other, must appear not less criminal than desperate in the extreme. While the minister vainly expected to retain all Scotland in dependence on himself, and

1673. Opposition in parliament

[58] Wodrow, i. App. 141. Scotland's Grievances.

BOOK VII. 1673.

while the king was persuaded that an army devoted to his service, was prepared to support his most arbitrary designs, an injured and insulted people was disposed, on the least disorder in England, to break into open rebellion as soon as the troops were removed. When the declaration of indulgence, which had been imitated in Scotland, was recalled by Charles, the Cabal dissolved in its own weakness and decay. Shaftesbury was preserved by an opportune defection, or rather by his uniform adherence to the popular party; and Lauderdale, whom the house of commons declared a grievance, sought an undisturbed retreat from the tempest in Scotland. The opposition encountered there, was the more severe as it was unexpected and justly incurred. The nobility were provoked at his arrogance, and the commons at his oppressions; but the mutinous disposition of parliament was not discovered nor even suspected till it assembled. Nov. 12. The king's letter was read and enforced by the commissioner, recommending more vigorous means of persecution, and requesting additional aids for the Dutch war. Instead of the usual responses of a submissive parliament, the duke of Hamilton, a younger son of the house of Douglas, who had married the heiress, and obtained, by the courtesy of Scotland, the titles of Hamilton, demanded that the situation of the nation should be first examined, and its grievances redressed. The grievances of the nation were re-echoed by twenty

members. They arose and complained successively of the monopolies of brandy, salt, tobacco, of the administration of justice, and the adulteration of the coin; but religious persecution, the worst of grievances, was an interdicted subject of which they durst not complain. The commissioner, astonished at their opposition, endeavoured, by his overbearing menaces, to interrupt their debates. "Is this a free parliament or not?" was the indignant reply, and no expedient remained but to adjourn for a week. At the next meeting, in order to appease their indignation, the monopolies were repealed. But the relief was unsatisfactory, unless the author and instruments of oppression were removed and punished; and they who considered Lauderdale's inordinate power and accumulation of offices as the greatest evil, persisted in their resolution to represent the national grievances in an address to the king. The commissioner's last resource was to adjourn the parliament for two months; and in the interval, Tweedale, Hamilton, and the leaders of opposition were invited to court. They were received and dismissed with full assurances that the grievances should be left to parliament; and hastened down amidst such heavy snows and intense or continued frosts, that a third of the sheep and cattle were starved to death. On their arrival, the parliament, which was permitted to meet, was adjourn-

BOOK VII 1678.

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ed within half an hour, and then dissolved by a letter from the king.[59]

1673. Redress of grievances evaded by Charles.

The disappointment excited such violent discontent, that some undertook to assassinate Lauderdale and his whole party; but these desperate councils were overruled by Hamilton, who was again invited to court with his friends. They requested to be heard by their sovereign, but were required to present their complaints in writing. The most cautious complaints which it was possible to frame, would be converted into leasing-making, especially as the archbishop of Glasgow had been lately entangled in the same snare. Their grievances were communicated to Charles by an anonymous letter, but all hopes of redress or relief were disappointed, as they durst not confide in his
1674. assurance, that no paper which they subscribed would be employed for their destruction. Their grievances proclaimed in pamphlets, renewed the demands of the English commons for the removal of Lauderdale. If not admitted by Charles to the secret of the first clandestine treaty with France, for restoring the catholic religion in England, he had entered with zeal into the second subsidiary alliance, to establish an absolute government by the introduction of French troops, with whom the army procured from the Scottish parliament

[59] Scotland's Grievances. Kirkton, 88, Wodrow, i. App. 98. Crawford's Lives of Officers of State, 241. Burnet, i. 103. Law's Diary, MS. Adv. Library.

was intended to co-operate. The acts ordaining the army to march wheresoever the Scottish council should appoint, and the honour or safety of the king might require, were examined by the commons, when the evidence of the celebrated Gilbert Burnet revealed his design, if the king had continued firm, to summon the Scottish army into England to support the Cabal. But the king, who had dismissed in Clarendon the monitor of his early youth, and the friend of his adversity, considered truly that a minister devoted to the acquisition of power was also devoted to the crown. Lauderdale, confirmed in his offices, became more absolute than ever; his opponents were all displaced from the council except Hamilton; and though he condescended at times to court the presbyterians, his administration displays the most signal examples of the corrupt and wanton abuse of power.[60]

Faculty of advocates expelled from town.

A private litigation between the earls of Dunfermline and Callender, to divest the latter of half his fortune, was espoused by Lauderdale, who determined, before his departure for court, to influence the decision of the bench by his voice and presence as an extraordinary judge.[61] The question was accelerated, and appointed to be heard by the president, in defence of a recent statute, that

[60] Crawford's Hist. MS. ii. 125. Wodrow, i. 364—79. Sir John Dalrymple's Memoirs.

[61] Crawford's MS. Hist. ii. 125.

BOOK VII. 1674.

no cause should be unduly or prematurely called.[62] An appeal to parliament, which was then uncommon, yet not without precedent, was immediately lodged. The novelty of the attempt was resented; and as the integrity of the court had already been impeached, and its decisions quoted in the late parliament as partial or unjust, it became the more necessary, in the opinion of the judges, to repress the insolence of the bar. The appellant's counsel were required to swear to the advice they had given, and Lockhart and Cunningham, the most eminent of their profession, were expelled for their refusal of an arbitrary oath. Fifty advocates, resenting the indignity done to their order, followed them from the bar, and at the instigation of Lauderdale, were banished twelve miles from the capital, till they should renounce the right of appeals to parliament. The necessity of appeals was universally felt and acknowledged in secret. But the bar was divided like the church into conformists and nonconformists; the former a servile train that adhered to the court, the latter a large majority who retired with Cunningham to Linlithgow, and with Lockhart to Haddington. When the term prescribed for their submission had elapsed, they were permitted to return, after a year's exile, upon an evasive acknowledgment that the judicial proceedings of the court were not suspended by appeals, of which however they durst not disown

[62] See NOTE II.

the legality, without impugning the supreme authority of the estates. As their independence was unexampled perhaps in their profession, their submission, though accelerated by the defection of some, was a real triumph over injustice and oppression; and the right of appeal was established at the revolution, as a salutary control on the court of session.[63]

Acts of oppression.

To exclude the refractory advocates from seats, the convention of royal boroughs, an assembly annually held for the consideration of trade, was admonished by Charles to revive an obsolete regulation against the return of commissioners, not inhabitants of the boroughs, to serve in parliament. The answer of the convention, asserting the unrestrained rights of election, was condemned as seditious, and its members were imprisoned, displaced, and fined. The annual election of magistrates was prohibited at Edinburgh. Twelve of its chief magistrates were declared incapable of public trust, as not sufficiently submissive to Ramsay their provost, a bankrupt trader, whom Lauderdale had created a lord of session, in return for seventeen thousand pounds extorted as gifts from the town. Ten gentlemen and two peers, the opponents of Lauderdale, were dispossessed of their houses, which were converted into garrisons for the suppression of conventicles; and sir Patrick Hume, who had ventured to implore the protec-

[63] Crawford, MS. Kirkton. Ralph, i. 268.

BOOK VII. 1675.

tion of the laws, was imprisoned and disqualified from public trust. Lord Cardross, whose house was invaded by night, his lady insulted, and his chaplain illegally seized by the military, was imprisoned and fined with his lady in a thousand pounds, because the neighbouring peasants had rescued his chaplain. On the surmise of some correspondence of the disaffected with Holland, Drummond the general, an officer of distinguished merit, and a noted royalist, was suspected and confined for a twelvemonth in Dumbarton castle.[64] Such acts of oppression past in silence, as parts of Lauderdale's ordinary administration; but the punishment of Baillie of Jerviswood, excited more open discontent. Carstairs, a spy employed by Sharp to frequent and discover conventicles, had inveigled Kirkton, a clergyman, to his lodgings, and endeavoured, under the pretext of a warrant from the privy council, to extort money for his release. When his situation was discovered, Baillie, his brother-in-law, burst open the doors, and delivered him by force. A warrant, however, for his arrest, antedated by Sharp, was subscribed by nine counsellors, and delivered to Carstairs; and on this judicial forgery, Baillie was convicted of a state offence, amerced in five hundred pounds, and imprisoned for a year. On the

[64] Crawford's Hist. MS. ii. 126. Somers' Tracts, vii. 195. Wodrow, i. 384—93, 4—7, 443. App. 149. Burnet, ii. 111—18—56.

representation of lord Hatton, the duke of Hamilton and the earls of Morton, Dumfries, Kincardine, lords Cochran, and Primrose, who alone had opposed this iniquitous sentence, were removed from the council.[65]

During the late opposition to Lauderdale, Argyle and Dalrymple, to regain the popular support of the presbyterians, were received into favour, and the clergy, as an earnest of future indulgence, were permitted to return, and even to preach in the capital.[66] Such lenient treatment, had it been invariably observed, would have soon reconciled the people to government, and the sect itself might have disappeared under silent contempt. But we must observe, that the imperious disposition of Lauderdale was stimulated by the clamorous rage of the prelates on the one hand, whose outcries were incessant that the church was in danger, and on the other, by the jealous and incurable apprehensions of the sovereign, that the presbyterians were a disaffected party ever ready to revolt. It was from these causes that when all opposition to Lauderdale was surmounted, a more severe and unremitted persecution was kindled; productive of silence, but not of tranquillity or submission to the state. Field and armed conventicles continued to multiply, in proportion as the severities of government increased. As the offenders declined to

A severer persecution.

[65] Id. Kirkton, MS. 93.

[66] Burnet, ii. 108. Crawford, MS.

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appear in council, and confess their guilt, *letters of intercommuning* were revived and published; an obsolete writ by which the absent were outlawed, and whatsoever persons intercommuned with them then, whether to fulfil the duties of relatives, or to administer the common offices of humanity, were liable to the same punishment as if equally involved in the same offence. In a single writ, above ninety clergymen, gentlemen, and even ladies of distinction, were interdicted from the common intercourse of social life; and as all who received or supplied them with sustenance, intelligence, or relief, who conversed or held communication with them, were equally criminal, their very presence became dangerous, and the contagious effects of their guilt were diffused and multiplied like a pestilential disease. At a moderate computation, seventeen thousand persons of either sex, and of every description and rank in life, were already harassed and oppressed in the west, for attendance on conventicles, or for their absence from church. Numbers outlawed, or terrified at such indefinite proscriptions, deserted their abodes, and acquired the fierce and savage habits of a vagrant life.[67] Con-

Letters of intercommuning.

[67] Wodrow, i. 392. 416—18. App. 166. Burnet, ii. 156—83. Letters of intercommuning, similar to the *Aquæ et ignis interdictio* of the Roman law, concluded thus: "We command "and charge all our lieges and subjects, that none presume "to reset, (receive,) supply, or intercommune with any of the "foresaid our rebels, nor furnish them with meat, drink, "house, harbour, or victuals; nor any other thing useful or

venticles, in consequence of their dispersion, became more widely diffused through the southern counties, from the borders of England to Perth and Lennox, beyond the friths; and were held in morasses, woods, or on the summits of mountains, to prevent surprise. From the vicinity and from the frequent assaults of the garrisons, the concourse of people became more numerous, and better armed and mounted for mutual defence. The conventicles assumed a more formidable appearance, and were protected by regular patroles and guards of horse, till the people dispersed. The ministers who rejoiced in the multitude of their audience, and the people who were delighted with the romantic and meritorious dangers of the sabbath, preferred the fields to the shelter of houses or the sanctity of churches; and while they braved or eluded, or suffered the united rage of the military and the laws, imagined that the gospel was far more efficacious and successful, when preached in the wilderness. During six years, their contests with the military were frequent and bloody, but not always successful. A price was fixed on the field preachers, whom the soldiers daily pursued *like a partridge on the hills*. The Bass, a steep rock in the mouth of the Forth, was converted

" comfortable to them; nor have any intelligence with them " by word, writing, message, or otherwise, under the pain of " being repute and esteemed art and part with them in the " crime foresaid, and to be pursued therefore with all rigour."

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into a fortress or state prison, where they pined in misery and want for years, neglected and forgotten. The people intercepted on their return from conventicles, were delivered up as recruits for the service of France.[68] In this desperate situation of the country, a severe example was chosen to intimidate, or rather to exasperate the people by a perfidious violation of honour, justice, and of the public faith.

1678. January. Mitchel's trial.

Archbishop Sharp had observed a person who eyed him attentively, and imagined that he beheld the features of the assassin who had attempted his life. When arrested, he proved to be Mitchel, a fanatical preacher; a loaded pistol was found in his custody to confirm the suspicion; but no proof appeared of his actual guilt. To discover his confederates, and the extent of the danger, a solemn promise was made by Sharp to procure a pardon if he would confess the fact. On the most solemn assurance of life, confirmed by the chancellor, commissioner, and privy council, he acknowledged the attempt to assassinate the primate; but instead of numerous associates, or a regular conspiracy, none but a single person then dead, was privy to the design. Disappointed and mortified at such a slight discovery, the perfidious council proceeded to determine what punishment less than death might be inflicted on the crime. The justiciary

[68] Burnet, ii. 167. Kirkton. Ralph, i. 315. Wodrow, i. 427—32—41.

court was instructed secretly to pronounce a sentence for the amputation of his hand; but when he was produced to renew his confession at the bar, the whisper of a judge in passing, admonished him to acknowledge nothing, unless his limbs as well as his life were secured. The torture was next applied under the false pretext of extorting a confession of his concern in the insurrection of Pentland; and after enduring the question till he fainted under the repeated strokes of the executioner, he remained four years in fetters forgotten in the solitary confinement of the Bass.[69] His trial, on the return of Lauderdale, was now resumed at the instigation of Sharp. Nisbet, the king's advocate, was displaced for Mackenzie, who, as counsel for Mitchel in the former trial, could not be ignorant of the promise to preserve his life, yet preferred an indictment against him for a capital crime. Primrose, from the lucrative office of clerk register, removed to be justice general,[70] transmitted privately to his advocates a copy of the act of

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[69] Wodrow, i. 375. 511. Burnet, ii. 176. At first it was proposed in council to cut off both his hands, but this was prevented, not from humanity, but by a jest of Rothes, too gross to be transcribed. Id.

[70] Nisbet was removed, because he was rich, and had refused a sum of money to the duchess of Lauderdale; Primrose, because the clerk register's was a lucrative place. It was given nominally to another, but the profits were seized by the rapacious duchess, and Primrose was made justice general to stop his mouth. Kirkton, MS. 96, 7.

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council in which the assurance was contained. His former extrajudicial confession, the only evidence of his attempt to assassinate a prelate and a privy counsellor, was attested by Sharp the primate, Rothes the chancellor, Lauderdale high commissioner, and Hatton a lord of the treasury and session, who, in their zeal to convict the prisoner, did not scruple to declare on oath that no assurance whatsoever had been given for the preservation of his life. The copy of the act of council was produced. The books of council, deposited in the adjoining chamber, were demanded as evidence for the prisoner, since his extrajudicial confession before the same judicature had been admitted as proof. But the duke of Lauderdale, who as a witness was not entitled to speak, interrupted the court in a strain of imperious authority, declared that the books of council contained the secrets of the king, which no court should be permitted to examine; and as he affirmed that the four counsellors came not there to be accused of perjury, it was immediately understood that they were all forsworn. The court, intimidated perhaps by his threats, determined by an obsequious majority that it was too late to apply for production of the record, of which an authenticated copy had been refused by the clerk. But it is observable, as a melancholy instance of the depravity or servility of the bench, that the justice general, who furnished a surreptitious copy, and had previously

admonished Lauderdale of the existence of the act, possessed neither virtue nor fortitude sufficient to attest the fact, as a witness or as a judge, but pronounced condemnation to death, upon a man whom his evidence ought to have preserved.[71] BOOK VII. 1678.

Before the jury had returned a verdict, the four lords, as soon as the court had adjourned, examined the books of council where the evidence of their perjury was recorded, and where it is still preserved to their eternal reproach. Their conduct sufficiently evinces the persuasion under which they acted, that there was no record of their assurance to Mitchel; and they still affected to believe, that nothing more was intended than a promise to intercede with the king for his life. The blame was transferred from the chancellor who subscribed, to the clerk who inserted the assurance in their minutes; the latter discovered that the act of council was framed by Nisbet, from whom they proposed to levy a severe fine; but the latter procured nine privy counsellors who offered to swear, and lord Hatton's letters also were produced to prove, that a full assurance of life had been approved and confirmed by the privy council, when engrossed in its books. Lauderdale was at length inclined to grant a respite till the king was consulted; but the primate was inexorable. He urged that the example was absolutely necessary to preserve his life from assassins, to which Lauderdale assented with a and execution. Jan. 18.

[71] State Trials, ii. 627.

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profane and inhuman jest.[72] Doubtless the fanaticism of Mitchel was of the most daring and atrocious nature; but the guilt of that fanatick is lost in the complicated perfidy, cruelty, perjury and revenge which accomplished his death. It was the ardent desire of ministers to involve the whole body of presbyterians in his guilt; but in the prosecution of this object they incurred the just imputation of more detestable crimes. Horror and universal execration were excited by the treachery and almost unexampled perjuries of the first ministers in the church and in the state; and the precautions employed by Sharp for his safety and revenge, contributed two years afterwards to his disastrous fate.

[72] "Nay, then, let him glorify God in the Grass-market," the place of execution. Burnet, ii. 80. Wodrow, i. 375. 514.

THE

HISTORY

OF

SCOTLAND.

BOOK VIII.

Introduction of the Highlanders, and their severities in the West.—Murder of Sharp.—Insurrection of Bothwell Bridge—Suppressed by Monmouth—Duke of York's administration—Act of succession, and the test—Argyle's trial and escape.—Ryehouse plot—Prostitution of Justice, Executions, Extortions, Murders in the fields—Death and character of Charles II.

ON the marriage of the prince of Orange with the princess Mary, eldest daughter of the duke of York, an alliance was hastily concluded with Holland, in consequence of a transient disgust at the French court. A large army was appointed to be raised, and the king, if supported by the English parliament, was apparently determined

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1678. Pretext for a standing army.

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to consult for once the inclination of the people, and the interest of the rest of Europe, by a war with France. But the popular party were alarmed at an army of twenty thousand men, suddenly raised within six weeks: they apprehended that the military force with which they had intrusted the court, was intended, not to prosecute the war abroad, but to subvert their religion and their liberties at home. From late discoveries, it appears indisputable that their apprehensions were just. The duke of York, who considered his religion as otherwise lost, had resumed the design of procuring a large army, which he expected to command in person, and by reducing the kingdom to subjection, proposed to render his brother absolute, and to secure his own precarious succession to the throne.[1] The execution of this desperate design was prevented by the combination of the popular leaders with the court of France; and the army, which was equally formidable to both, was dissolved by a secret treaty, or money transaction, between the latter and Charles.

[1] Sir John Dalrymple's Memoirs, vol. i. p. 165—83—9. oct. edit. "The duke of York (says Barillon) believes himself "lost as to his religion, if the present opportunity does not "serve to bring England into subjection; it is a very bold en- "terprise, and the success very doubtful. The king still wa- "vers upon carrying things to extremity; his humour is very "repugnant to the design of changing the government. He "is, nevertheless, drawn along by the duke of York and the "high treasurer." Id. 194.

most religious, if not the most civilized, were abandoned to a part of the nation the most indigent and barbarous; of an unknown language, and ferocious manners; instigated by hereditary prejudices, and addicted to habitual rapine and revenge. The country, oppressed and ravaged like a conquered province, was filled with extortions, depredations, robberies, and more atrocious crimes. Neither age nor sex was exempt from outrage, and torture was freely employed to extort a confession of hidden wealth. The people were stripped and robbed even of their cloaths and furniture, which appeared invaluable to a rude banditti; and the labours of the plough were suspended, and the horses seized, to transport the spoil to their hills.[4]

General lawburrows issued.

A committee of council attended the army, to enforce the bonds. But the gentlemen, who observed that the subscribers suffered indiscriminately with themselves, persisted in their refusal, and were ignominiously disarmed, deprived of their saddle horses and swords, and subjected to a new species of legal persecution. An individual, by an application upon oath, might obtain a writ of *lawburrows* from a magistrate, to oblige another, of whose violence he was apprehensive, to furnish security for his good behaviour; and thus a precaution used only against personal danger, was converted, by the most oppressive chicane, into

[4] Id. Wodrow, i. 467—96. Law's Diary, MS. Air alone lost 16,000*l.* sterling.

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cution of the laws. As the people dispersed, however, when the sermon was finished, without disturbance to the public peace, they recommended an unlimited indulgence, as the most efficacious method to reclaim them, and the only expedient to dissolve their conventicles; a proof that the proper remedy for the disorders of the times, though rejected by an outrageous government, was sufficiently understood.[3]

Highland host introduced into the west. Jan. 25.

No sooner were the bonds of peace refused, than the design to obtain a pretext for a standing army was manifest, and the western counties were represented and treated by Lauderdale, as in a state of actual revolt. English troops were appointed by Charles to march to the borders, and the Irish forces to the opposite coasts. Six thousand lawless highlanders were invited from their mountains; and a previous indemnity was granted to encourage every excess. The guards and militia were dispatched with a train of artillery, and by the express injunctions of Charles, an hostile army of ten thousand men was introduced to suppress the insurrection of a country in profound repose. As there was plunder every where, but no enemy to be found, the highlanders overspread the devoted country; and their depredations, instead of being restrained, were abetted and shared by their rapacious chiefs. The western counties were the most industrious and populous; the people the

[3] Wodrow, 451—7. Burnet, ii. 183.

prehensive of danger from his own subjects, the writ of lawburrows was a just and necessary alternative for the bonds. The miserable apologies to which tyranny must resort, dishonour and degrade the tongue that utters, and the understanding that receives them. The Scottish nobility imagined at first, that their sovereign was touched with pity and compunction at their wrongs. But when he required their complaints to be produced in writing, they demanded a previous indemnity, which he refused to grant; and his refusal sufficiently revealed the insidious design, to bring them to trial, and to convict them of leasing-making, for preferring an accusation against the privy council. Unwilling to disown a minister, who had exceeded perhaps in the execution of his express commands, he declared, that he was well assured of an insurrection having been intended in Scotland, but it should be his care that the actors should suffer; and next day, in a letter which cannot be ascribed to Lauderdale, he bestowed a full approbation upon the measures of the privy council, against the iniquity of whose administration the nobility durst not subscribe their just complaints.[8]

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Rejected by Charles.

The absence of his opponents was seized by Lauderdale, as an opportune moment to summon a convention of estates. The nobility who remained at home, were seduced by bribes. The elections were secured, or decided afterwards by

Convention of estates.

[8] Burnet, 187. Wodrow, i. 501—9.

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an alternative for the bonds.[5] A general writ of *lawburrows* was issued at the suit of the king, against a whole country, to find security, according to the terms of the bonds for preventing conventicles, under the penalty of double rents, and any other punishment which the council might inflict. Such as subscribed the bonds were required to dismiss their suspected tenants, whom, unless their conformity were attested by the curate, no landlord was permitted to receive on his estate. To suppress their complaints, and at the same time to prevent their escape, the unhappy sufferers were forbidden to approach the capital, or to depart from the kingdom; and the nobility and gentry were compelled, when interrogated by the council, to exculpate themselves by oath from a fictitious accusation of state crimes. Upon the premature report of an insurrection, Lauderdale and his friends were unable to dissemble their joy; nor could they conceal their dejection when the intelligence was disproved. That their design in these measures was to render the people desperate, and

[5] "And since every private subject may force such from whom they fear any harm to secure them by lawburrows, and that it hath been the uncontroverted and legal practice of his majesty's privy council, to oblige such whose peaceableness they suspected, to secure the peace for themselves, wives, bairns, &c. therefore the privy council, considering that his majesty has declared his just suspicion of such as refuse or delay to take the bonds, &c." Wodrow, i. App. 182. See Sir G. Mackenzie, ii. 345.

to impel them to rebellion, can admit of no dispute. But the people were impressed with the same opinion, that an insurrection was desired, and though unable to discover the motives, they were the more careful, by their patient sufferings, to disappoint the manifest expectation of the court.[6]

Complaints of the nobility and gentry.

Notwithstanding the prohibition to quit the kingdom, fourteen peers and fifty gentlemen, of whom duke Hamilton had been threatened, and the earls of Cassilis and Loudon, lord Cochran, and others, had been charged with lawburrows, and denounced outlaws, repaired to court, and were joined in their complaints by Athol and Perth, two of the committee of council employed in the West.[7] As they had departed without permission, an audience was refused. But the invasion and sufferings of the western counties had excited universal execration; and amidst the fervid debates of the English commons, the voice of two nations was too powerful to be resisted. Was this the spirit of government which was displayed in Scotland? or were these the measures to be adopted in England when the dark designs of the court were mature for execution? An address for the removal of Lauderdale was rejected; but it was

[6] Wodrow, i. 477—81. App. 179. Burnet, ii. 185.

[7] Burnet, ii. 185. The invasion was disapproved of by many of Lauderdale's friends in council, not admitted to the secrets of the court.

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necessary to suspend his enormities, to recal the lawburrows and bonds, and to disband the army; and the highlanders, after exacting free quarters, and wasting the country for three months, were dismissed with impunity and wealth to their hills.

May 25. Hamilton and the chief nobility were heard in presence of the cabinet council; and when taxed by the king with disobedience to his proclamations, in repairing to court, their only answer was a recital of their unmerited sufferings and their neglected complaints. In the midst of profound tranquillity, when not a shadow nor surmise of insurrection existed, to let one part of the nation, and that the most barbarous, loose against the other; to instigate the excesses of the one by a previous indemnity; and to devote the other, like a hostile country, to indiscriminate ravage; was without example in a civilized state. Lauderdale, who remained in Scotland, secure of impunity, was vindicated by Danby and the duke of York. Field conventicles had been styled in the late acts, the rendezvous of rebellion; and it was inferred from this rhetorical expression, that wheresoever conventicles prevailed, the country was in a state of actual insurrection and revolt. Free quarters for a few days were of little estimation, when the fortunes and lives of the people were proffered by parliament for his majesty's support; the bonds were tendered, not enforced, as an exemption from free quarters; and where the king was ap-

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From the coincidence of events, there is every reason to believe, that the pretext which the league with Holland afforded, to procure an army, had been sought in the measures purposely employed in Scotland, to excite a revolt.[2] Throughout the western counties, the landlords were required to enter into bonds, under the same penalties which the delinquents incurred, that neither their families, domestics, tenants, nor *their* servants, or others residing on their property, should withdraw from public worship; or adhere to conventicles; or succour field preachers and persons intercommuned. Their wives and children had frequented conventicles, from which they had themselves abstained; but they declined the bonds as illegal, and refused to become responsible for their tenants or servants, whom it was impossible to restrain. At the same time, they acknowledged the increase of conventicles to a scandalous excess, and offered to assist and protect the officers of justice in the exe-

Sought in Scotland.

[2] Wodrow's information coincides with Barillon's; that he was informed by a person in whom he placed entire credit, and who was then (1679) at court, that it was concerted in the cabinet council, that all measures should be taken to exasperate the Scottish fanatics to some broil or other, that there might be a pretence to keep up the standing forces; that Lauderdale was written to, and made acquainted with the design, and when he came to court, towards the end of October, the project of bringing down the highlanders was brought to a bearing; i. 454. Add to this, that the introduction of the highland host, as it was termed, was by the express orders of the king. Id. 458.

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his influence, and before the return of his adversaries, the opposition so formidable in the late parliament, was surmounted or quelled. The monthly assessments of six thousand pounds, introduced by Cromwell, were retained, and are still observed as the rate at which the land-tax is imposed. Five monthly assessments, or thirty thousand pounds a-year, were granted for five years, to support additional troops for the suppression of conventicles; and the most unqualified approbation was bestowed on Lauderdale's administration, in a letter to the king. Such base and abject servility, after the late popular complaints, exposed the country to deserved contempt; but an assessment expressly granted to suppress those seminaries of rebellion which were held in the fields, was productive of a doubt, and at length of a division among the presbyterians; whether or no, in order that they might themselves avoid persecution, it were lawful to contribute taxes for the persecution of those who frequented conventicles.[9]

Causes of an insurrection.

It was the king's intention, according to some historians, to introduce a milder administration under the duke of Monmouth, (who had married the heiress, and had obtained the estate and titles of Buccleugh in Scotland,) when the alarm of the popish plot intervened. The tyranny actually endured in the one kingdom, was the more deeply apprehended in the other; and as the nobility and

[9] Wodrow, i. 528. Burnet, i. 588. Kirkton, MS. 99.

clergy, whose complaints the king disregarded, had acquired the friendship of the popular leaders in the English parliament,[10] an insurrection has been too hastily ascribed to their correspondence and combination to renew the events of the preceding reign. A memorable speech of the earl of Shaftesbury's, that popery was intended to introduce slavery into England, but that slavery was the harbinger of popery in Scotland, was transmitted to Edinburgh, and eight thousand fanatical Scots are represented as starting to arms at the sound of a trumpet.[11] Doubtless the Scots were encouraged by the impeachment of Danby, by the vigorous opposition in England to the duke of York, and by the attempts to limit or to exclude his succession to the throne. But as no trace exists of their correspondence with the popular leaders in England, so the marvellous operation of a distant speech diffused by the pen, is refuted by an intermediate series of domestic events. The cruel and iniquitous prosecution of the popish plot, had inflamed the court party with revenge, and the covenanters with the obstinate fury of despair. The highlanders were removed, but they were replaced with five thousand additional troops. The western

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March 25.

[10] "Some of our lords and gentry made acquaintance with "the English dissenters, which stuck to them while they liv"ed." Kirkton. Such is the only evidence I have found, in Scottish historians, of a correspondence with the English.

[11] See NOTE III.

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and southern shires were filled with garrisons in private houses; or with troops permitted to range at large in quest of conventicles, and indemnified for every violence committed in the search or pursuit. Additional judges were commissioned in each county, with the most rigorous instructions to enforce the laws, and with the most unlimited and despotical powers in ecclesiastical affairs; and their diligence and injustice were equally stimulated by permission to appropriate a moiety of the fines to themselves. The worst tyranny is a despotism under the disguise of the laws. On the slightest expression or suspicion of discontent, the opponents of Lauderdale were accused and convicted of propagating sedition, and imprisoned and fined by the privy council; and, under the accumulated oppressions of government, men began to grow weary of their country, and even of their lives. In the furious administration of Lauderdale, it is in vain to search for the remote and latent causes of public events, or to reduce them under any common arrangement or description of crimes. Every new severity was productive of additional discontent, which fresh severities were employed to exasperate and to repress; nor is a different principle to be discovered in the government of Scotland, during the reigns of Charles and of his brother James. As the vindictive rigour and resentment of government were at once the cause and effect of the public discontent, each year,

and, with a single, transient exception, every administration was worse than the preceding. Persecution and fanaticism continued mutually to exasperate and to augment each other, but it is the nature of persecution to vitiate the human heart, and to debase and contaminate the national character wheresoever it prevails. The unhappy victims whom it reduces to despair, become vindictive, cruel, and unrelenting as their persecutors; and if inferior in open force, more insidious in their revenge. The covenanters had already begun to retaliate on the military, of whom some were murdered at night in their quarters, when an event which threatened to revive the practices of the ancient Scots, impelled each party to the most desperate extremes.[12] BOOK VIII. 1679.

Under the primate's jurisdiction and influence, Carmichael, one of the commissioners appointed to exterminate conventicles, was peculiarly noted for his cruelties in Fife. If we may believe his enemies, he was accustomed among other enormities to beat and abuse the women and children, and to torture the servants with lighted matches, that they might be compelled to reveal where their husbands, or their fathers, or their masters were concealed. Nine of these unhappy fugitives, who wandered in small parties, intercommuned and interdicted from society, determined to intercept Murder of Sharp. May 3.

[12] Wodrow's MS. Collections, vol. 43. 4to. Hist. ii. 9. 27. Burnet, ii. 182.

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and to chastise his person, if not to avenge their wrongs on his life. When about to separate, after an ineffectual search, they were informed of the archbishop of St. Andrews' approach. As he was slightly attended, the opportunity was embraced as a divine call, and the temptation to perpetrate a detestable deed was interpreted a special dispensation from heaven. They pursued and overtook his coach upon Magus-Moor, within a few miles of St. Andrews; dismounted his attendants, and as their shots proved ineffectual, they dragged the archbishop from his daughter's arms. His offers and entreaties for life were unavailing. They protested that they were actuated by no motives of personal revenge; reproached him with his perjury in Mitchel's trial; admonished him of the blood of the saints, in which his hands were embrued, and, amidst the shrieks and struggles of his daughter to save him, left his dead body in the highway, transfixed, and covered with the most barbarous wounds.[13]

His character.

From the first beginning of the reformation in Scotland, Sharp was the third archbishop of St. Andrews who had suffered from popular or from private revenge. The assassination of Cardinal Beaton, was a crime congenial to the manners of the nation and the vices of the age. The execution of archbishop Hamilton was sanctioned by the forms of a legal attainder: but the murder of Sharp

[13] Wodrow's MS. vol. iv. 8vo. Hist. ii. 30. Sharp's Life.

was regarded even by his enemies as an inhuman act, that redeemed his memory from some share of the detestation which he had incurred when alive.[14] That he was decent, if not regular in his deportment, endued with the most industrious diligence, and not illiterate, was never disputed; that he was vain, vindictive, perfidious, at once haughty and servile, rapacious and cruel, his friends have never attempted to disown. His apostacy was never forgiven by the presbyterians; but instead of disarming their resentment by moderation, he became an unrelenting persecutor, like most apostates, actuated by a hatred to the sect which he had deserted and betrayed.[15] Indifferent to the doctrines of his former party, and therefore the more feelingly alive to their reproaches, he appears, under the mask of religious zeal, to have uniformly consulted and gratified his private revenge. His death was acceptable to none but the wilder fanatics, who discovered, in a crime of which they durst not have previously approved, *the execution of righteous judgment by private men.*

The assassination of a prelate and privy counsellor, might be expected to excite a severe inquisition; but the government was inspired with the most frantic revenge. The people were prohibited the use or possession of arms; and in the procla-

Insurrection in the West.

[14] Burnet, ii. 266. Crawford's MS. Hist. ii. 143.

[15] *Omnis apostata suæ sectæ osor*, was applied also to Lauderdale.

BOOK VIII. 1679.

mation to discover the assassins, the whole body of fanatics was implicated in the crime. Field and armed conventicles were declared to be treason. The people who attended were indirectly ordered to be put to the sword; and when the military were employed to execute this sanguinary proclamation, it was not difficult to predict the insurrection that ensued. The conventicles which persecution alone had created, united into larger masses, and from the very means employed to suppress them, acquired the formidable appearance of a regular army, and of a camp, to which none, except from the near vicinity, repaired unarmed. Parties continued, during the week, in arms, agitated by the murderers of Sharp, who had secretly joined them, and impelled by their preachers to something more than defence. A party of fourscore appeared at Rutherglen, on the anniversary of the restoration; they burnt the statutes and acts of council restoring episcopacy, and proclaimed an unsubscribed declaration as their solemn testimony against the defection of the times. A prudent government might have dissembled the insult, or deferred the punishment for a few days, till their zeal had subsided, and their conventicle was dispersed. A violent government is incapable either of reflection or delay. Graham of Claverhouse, afterwards the celebrated viscount Dundee, was instructed to seize, or on their resistance, to extirpate the rebels by the sword. Next Sunday he dis-

May 29.

June 1.

covered and attacked their conventicle on Loudoun hill. His dragoons were defeated with loss by a detachment of undisciplined peasants, and he was almost intercepted himself by the gallant Cleland who was killed at the Revolution, in the defence of Dunkeld. Elated perhaps with success, and afraid to disperse or to return to their homes, they advanced to Glasgow, where they were repulsed at first; but while their numbers were still inconsiderable and easily dissipated, the town was evacuated, and the whole country was abandoned, as if to permit the insurrection to increase. The privy council, so vigilant and prompt to strike while the people were tranquil, recalled its forces to the capital when the people were unwarily betrayed into an insurrection; and amidst the most vigorous preparations throughout the rest of Scotland, a severe administration appeared solicitous only to justify and to enrich itself by the growing magnitude of the revolt [15].

The insurrection, because it was naturally anticipated or predicted, has been represented as actually instigated by the popular leaders in the English parliament. From the measures pursued in Scotland, commotions, however accidental, were certainly not unexpected [16]; but the popular

The insurrection accidental.

[15] Wodrow's MSS. vol. xliii. 4to. vol. iv. 8vo. Hist. ii. 44. App. 41. Crawford's MS. Hist. ii. 145.

[16] Such seems to be the foundation of a passage in Algernon Sidney's Letters, p. 37; from which some have inferred that

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leaders had already been introduced into office; the opponents of Lauderdale, by whose means only they could actuate the covenanters, had returned to court, encouraged by a change of administration, to renew their complaints; no commanders nor officers were provided; no persons of rank or influence appeared in arms, and the insurgents were joined by none but the intercommuned, whom the government had reduced to a vagrant and persecuted life of despair. Hamilton and the Scottish lords humanely offered to dispel the insurrection without arms or the effusion of blood, if the sufferings of the people were alleviated, and their oppressors removed. Essex, Halifax, Sunderland, and Temple, endeavoured to procure the removal of Lauderdale; Russel and Shaftesbury, to introduce their friends into the administration of Scotland; but the king was inflexible, notwithstanding their urgent entreaties, and they concurred in his choice of a general in Monmouth, his favourite son. Military aid or assistance from England was opposed and prevented by Essex and Shaftesbury; apprehensive, as has since appeared, that a standing army might again be raised [17]; but the most ample powers were conferred on Monmouth, to

the insurrection was not accidental. See, however, p. 48 of his Letters, edit. 1772.

[17] See in Dalrymple's Memoirs, i. 264, 314, Essex's Letter to the King.

negotiate or fight. Such instructions were the more alarming to Lauderdale, lest a rebellion ascribed to the violence of his government might be appeased by lenity, if time or an opportunity were given to reclaim the insurgents. When the council had adjourned, he demanded privately of the king if he intended to follow the footsteps of his father to the scaffold; represented that the commotions, if prolonged and encouraged by treaty, might soon extend to the two kingdoms; excused his silence in council, by the insinuation of a crafty favourite, "Were not your enemies at "the board?" and persuaded Charles that his son, whom he scrupled not to entrust with arms, might connive with the insurgents, if permitted to negotiate. The instructions were secretly altered into a positive injunction, which was to be opened in the field, not to treat with the rebels, but to attack them wheresoever they might be found [18].

Suppression by Monmouth at Bothwell bridge.

The militia and regular troops were collected at Edinburgh, before Monmouth's arrival; and he advanced against the insurgents at the head of ten thousand men. The whigs, as the covenanters were denominated, remained at Bothwell bridge, in the neighbourhood of Hamilton, to dispute the passage of the Clyde. Their numbers never exceeded four thousand, divided among themselves

[18] Burnet, ii. 268. North's Examen. 81.

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by religious disputes[19]. The original insurgents proposed to condemn the indulgence from which they had separated; the moderate presbyterians refused to accede to the declaration at Rutherglen, or to renounce their allegiance; and the grounds of their recourse to arms were not yet adjusted when Monmouth appeared. The latter sent to negotiate with Monmouth, who, according to his instructions, refused to treat; required them to surrender at discretion within an hour, and promised on their submission to intercede with the king. But the fanatics were neither prepared to
June 22. fight, nor disposed to submit. The bridge was obstinately defended by Hackston of Rathillat, who was ordered, when his ammunition was expended, to retire to the main body, by Hamilton, a preacher who had assumed the command. Monmouth's forces were attacked neither while they passed, nor when they formed beyond the bridge. On the first discharge of artillery, the covenanters were deserted by their ghostly commanders, and overthrown by the disorder produced among their undisciplined horse. Four hundred were killed in the field. A body of twelve hundred surrendered at discretion, and were preserved from massacre by the humanity of Monmouth. Rejecting the

[19] Wodrow's MS. vol. xliii. 8vo. Hist. ii. 55. Burnet, ii. 269. At first they were represented at eight, but were afterwards reduced to five thousand in the reports to the privy council.

advice of his officers to ravage the country, he dismissed the militia; enforced the discipline of his troops to prevent depredation; and when he departed with his prisoners, even the fanatics acknowledged that his clemency had preserved them from utter ruin. His humanity was less acceptable at court, where his mercy to rebels was censured afterwards by the duke of York; and the king himself is accused, and apparently with truth, of an infamous declaration to Monmouth, that had he (Charles) been there, the government should not have had the trouble of prisoners [20]. The reception he met with was however affectionate; and he was decorated with the title of highness, as if a legitimate prince of the blood. His representations to Charles, that field-meetings had originated from the severities practised against house-conventicles, procured an indemnity and a limited indulgence, which were disappointed afterwards by the influence of Lauderdale, and by the disgrace which he had himself incurred.

Scottish Lords heard against Lauderdale.

In the mean time the Scottish lords had obtained an audience, and counsel were fully heard on their complaints. But the principal charges were prejudged by Charles, who declared that it belonged to the crown to dispose of offices, therefore to incapacitate from public trust; to prevent

[20] Burnet, ii. 269, confirmed by Cuningham, i. 44, and partly by Macpherson's Original Papers, i. 93. Wodrow's MSS. vol. iv. 8vo.

BOOK VIII. 1673.

conspiracies, therefore to imprison suspected persons; to suppress insurrections, therefore to raise and distribute troops at discretion, and to quarter or employ them as his exigencies required; nor in those particulars would he suffer his prerogative to be impeached or touched. A declaration the most extraordinary ever uttered perhaps by a limited monarch, was combated with a spirit honourable to the memory of Lockhart, who asserted that the places from which persons thus incapacitated had been arbitrarily excluded, were conferred by the free suffrage of the people, in their corporations or counties; and that his majesty's opinions respecting conspiracies and insurrections were inconsistent with the ends for which government was established. It appeared indisputable, that Lauderdale's government was rapacious, cruel, unjust, and perfidious; and that the introduction of a barbarous horde to live at free quarters on the country, in profound peace, was prohibited by the express laws and the constitution of the realm. Mackenzie was reduced to the wretched subterfuge, that as conventicles were figuratively styled in the laws the rendezvous of rebellion, the counties where these predominated were in a state of actual revolt. Essex and Halifax declared, that the complaints were fully established; the former acknowledged that the Scots were entitled by their constitution, to greater freedom than the English themselves; but they were

who is acquitted by the king.

afraid to substitute Monmouth in the place of Lauderdale; and the king was not ashamed to absolve the administration which he was unable to vindicate. It was determined that nothing had been done by Lauderdale but what his majesty had commanded, and would uphold by his prerogative, which was above all law. In private he acknowledged that many detestable things had been done by Lauderdale against the Scots, but that nothing against his service had appeared; a sentiment not less dishonourable, than natural to a sovereign who, when he separates his own interest from the people, forgets that he creates an interest in opposition to the throne [21].

When the triumph and tyranny of Lauderdale were thus confirmed, the indulgence of house conventicles was of short duration, and the indemnity was converted into an amnesty for himself, and for the malversation of his friends. To the covenanters, the exception of the officers, the clergy, and the gentry, and of all who had contributed to the insurrection, and neglected to surrender within two months, was rather an act of proscription than of grace. A severe inquisition was made; but the torture proved ineffectual, to discover the supposed correspondence with the disaffected

Oppressions after the insurrection.

[21] Wodrow's Hist. ii. 102—7. Burnet, ii. 264. Ralph, i. 465. See in State Tracts, Temp. Car.; and in Somers' Tracts, vii. 195. 200, the additional charges against Lauderdale.

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in England. Kid and King, two fanatical preachers, were executed at Edinburgh while the indemnity was proclaimed. Five others, innocent of the archbishop's blood, were selected to expiate his murder at Magus-Moor. Twelve hundred persons conducted from Bothwell, were confined in the Grey Friars' church-yard, where they remained five months, uncovered and exposed to the inclemency of the season. The greater number were at length dismissed, on their bonds of peace. The more obstinate were shipped for the plantations, but the vessel was lost in the Orkneys, and from the inhumanity of the master, who refused to release the prisoners, two hundred perished in the wreck. But the government, gratified by an insurrection so long desired, was more intent at present on confiscation than on revenge. Claverhouse was permitted to avenge his defeat, by his rapacious cruelties; but the court of justiciary performed a more lucrative circuit in the west. In every parish informations were taken or supplied by the curates. The gentry excepted from the indemnity, and their tenants, or others suspected of wealth, who had neglected to surrender, were accused indiscriminately of the murder of Sharp, of their share in the late insurrection, or their attendance on conventicles; and the innocent, unless they compounded in private, were remanded to prison till released on surety; the absent were attainted; and forfeitures, during each succeeding

circuit and year, continued to multiply as a provision for the army, and as a source of emolument to the servants of the crown. Another lucrative oppression was discovered in an obsolete law, against such as failed to attend the standard or host of the king. The gentlemen of Fife, and the Lothians, were convicted in such numbers, by the justiciary court, that the remaining shires were referred for greater dispatch to the privy council; and by a refined iniquity the battle of Bothwell was almost equally ruinous to those who were present from disaffection, or absent through fear. But the clemency of the king was gratuitously extolled, because in abetting the extortions of his ministers, he commuted an obsolete treason for the most exorbitant fines[22].

BOOK VIII. 1679.

Ever since the fall and impeachment of Danby, the duke of York had resided on the continent, till his unexpected appearance and influence at court, on his brother's illness, disgraced and reduced Monmouth to the same exile from which he had returned himself. The approach of a new parliament did not permit the duke to remain long in England; and in order to accomplish the removal of Lauderdale, the earl of Tweedale suggested that there was no place so fit or so honourable as Scotland, for the reception of the presumptive heir to the crown. The cabinet deter-

Duke of York's arrival.

[22] Brand's Description of Orkney, 32. Wodrow, ii. 70. 90. Sir John Lawder, Lord Fountainhall's Decisions.

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mined that the duke should return with his family from Brussels, to reside in Scotland; and although he refused to concur in displacing Lauderdale, it was obvious that the administration there would devolve into his hands. During his first visit, he interfered but little in public affairs; discovered a preference for neither party; and by his condescending affability, studied to conciliate all ranks to his interests, and by his industrious application, to promote the service of the king. But his deportment was artificial, and his affable condescension, so remote from the haughty reserve of his character, was assumed, in order to establish his interest in Scotland, and when it should be fortified there as in Ireland, to support his right of succession by arms[23]. Within three months, when the English parliament was prorogued, he was recalled to court. On his departure he assured the privy council of his unalterable regard, and promised to acquaint the king, that in Scotland he had a brave and loyal nobility and gentry, a wise and regular council, judicatures filled with learned and upright judges; that the disaffected were not near so considerable as represented in England; and that the Highland clans, from his endeavours to remove their animosities, were united and firmly attached to the throne. The privy council was not deficient in assurances of support, or attestation to his worth;

[23] Dalrymple's Memoirs, i. 276. 347—65.

and had he never returned to Scotland, it is probable that he would not have forfeited the esteem which the nation still entertained for the house of Stuart [24]. BOOK VIII. 1630.

But a party now appeared among the presbyterians, prepared to renounce their allegiance to the crown. The origin of this new sect must be ascribed to the rigours of government; its extravagance, to the sufferings which the intercommuned had endured. When proscribed and driven from their abodes by government, they were pursued by the military like beasts of prey; and their fanaticism was daily exasperated and confirmed by their sufferings and their despair. While they roamed or lurked throughout the country, heated and mutually inflaming each other, with religious phrenzy, their preachers began to consider their king as a tyrant, and to separate from the great body of the presbyterians, who, according as they enjoyed his protection, or acknowledged his authority, were involved in the iniquity or defection of the times. Cargill and Cameron, who had escaped from Bothwell, returned from the continent to their vagrant flock, which acquired from the latter the name of Cameronians; a designation still appropriated to a religious sect, and to a regiment of the line. A party appeared in arms at Sanquhar, where Cameron read and af- Origin of the Cameronians.

[24] Macpherson's Orig. Pap. i. 96—8. 100. Burnet, 275. Wodrow, ii. 111—49.

BOOK VIII. 1680

fixed a declaration to the market-cross; that, although descended from the race of their ancient kings, Charles Stuart, by his perjuries in the breach of his covenanted vows, by his tyrannical government, and by his usurpation over their civil and religious liberties, had dissolved their allegiance, and forfeited all right and title to the crown. They were surprised at Airdsmoss in the district of Kyle. Cameron and his brother, fighting back to back, obtained by their gallantry an honourable death. Hackston of Rathillet, and fifteen horsemen, were taken prisoners; but the foot, a despicable band of forty peasants, retired into the morass from the pursuit of the guards. Cargill alone continued to preach in the fields. At a conventicle held in the Torwood, he pronounced a solemn excommunication against their persecutors, the dukes of Lauderdale, Rothes, Monmouth, York, and the king himself; a sentence ludicrous at present, but productive then of a deep and indelible impression on the whole sect. While we pity or deride their extravagance, it is difficult to condemn them entirely for disowning a government under which they had enjoyed no reciprocal protection, but by which they were uniformly persecuted and proscribed [25].

July 20.

Executions.

The indignity done to the majesty, or rather to the name of king, was severely avenged. Cameron's head was inhumanly presented to his aged

[25] Wodrow, ii. 133—44.

father, confined in prison; and was affixed with his hands to the city gate, in the mock attitude of prayer. Rathillet's sentence was first determined by the privy council, and was pronounced next day by the justiciary court. It appeared that he was present, without assisting, at the murder of Sharp; but there is reason to believe that he had endeavoured previously to dissuade his associates from the primate's death. Although reduced so low by his wounds that he was preserved from torture as unable to survive it, he suffered the amputation of his hands with indifference, and endured, with an enthusiastic fortitude, the utmost rigour of an atrocious punishment, which still continues to disgrace the humanity of our laws and age. The other prisoners were executed to a man; their heads exhibited a barbarous spectacle at the entrance of the city; or, if stolen and interred by the piety of their friends, were replaced by the heads of other prisoners taken with Cargill[26].

BOOK VIII. 1680.

How cruel or incredible soever these executions may appear, they were exceeded on the duke of York's return to Scotland. As if the guilty were insufficient to assuage the thirst of revenge, the innocent were artfully involved in their guilt. Availing itself of the frantic delusion which its own violence and oppression had created, the

Duke of York's severe administration.

[26] Id. 142. Cruicksbank's Hist. ii. 68. Burnet, i. 324. Fountainhall's Memoirs, MS. Adv. Library.

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privy council intermixed its tortures with the most ensnaring questions: Was Sharp's death murder? Was the rising at Bothwell rebellion? Is Charles a rightful king, or a tyrant whom it is lawful to dethrone or deprive of life? The unhappy victims of suspicion and rage, too sincere, or by the torture made unable to prevaricate, were dismissed from this severe inquisition to the justiciary court; and from the justiciary court to the place of execution. Among the first who suffered, for opinions not treasonable till they were extorted by the council, was a brother of the laird of Skene, who was convicted on his answers to those interrogatories: but the punishment was afterwards extended even to helpless females, in the flower of their youth[27]. The wretched Cameronians who suffered death for their religious opinions, expired with such resolution, that when their lives were offered by the duke, if they would acknowledge his majesty, or even exclaim on the scaffold, God bless the king, the very women refused to forfeit the crown of martyrdom. The frenzy of these deluded creatures might have excited the compassion, but could never justify the resentment of government. Their punishment demonstrated the unextinguishable hatred and fury of the royalists,

[27] Id. They were executed with some others for child murder. "I am but twenty," said one, with an affecting simplicity, "and am not come here for murder, for they can charge "me with nothing but my judgment." Cloud of Witnesses.

who believed that their former sufferings could never be avenged. From each example they perceived that the opinions were propagated which they attempted to suppress, and that the veneration for the covenant was cherished and encreased by the dying breath, and by the blood of numerous martyrs with which it was attested and sealed. But instead of remitting an unavailing punishment, they transferred the execution to an early hour, at a distance from the city, to avoid the multitudes, whom the sufferers never failed to convert by their death. It is said that the persecution was stopt by the duke, who committed the fanatics to hard labour in a house of correction. No example of the fact exists; on the contrary, executions for private opinion continued to multiply during his whole administration and reign. It is asserted, by the same author, that he indulged, without emotion, in contemplating the torture of state prisoners, as a curious experiment, while other counsellors recoiled from the scene; and on one occasion it is certain that he assisted from choice, when Spreul was twice exposed to the question almost without intermission[28].

BOOK VIII. 1680.

His disposition was haughty, severe, and inflexible: and his natural severity, heightened by bigotry, was never mitigated by experience; for his character was better adapted to sustain adversity with patience, than prosperity with modera-

His character.

[28] Burnet, ii. 324. 424. Wodrow, ii. 164. See Note IV.

BOOK VIII. 1681.

tion. The mediocrity of his genius was compensated, imperfectly, by application to business. He introduced a strict œconomy into the revenues of Scotland, but was never able to comprehend the extensive, and reciprocal interests of the people and the throne. His sincerity appears the more estimable when compared with his brother's; but he contemned, and without scruple perverted the impartial administration of justice; and his promises were sometimes infringed from the suggestions of his bigotry, sometimes from the pernicious maxim of state necessity. On his return, he forgot the moderation which he had observed in his former visit; and if he continued affable to the tories, as the royalists were now denominated, his mind, exasperated perhaps by a ludicrous incident which I shall proceed to relate, appeared inexorable towards the fanatics, of whose support he despaired. Having engrossed the administration to himself, he formed a motley party, composed of Lauderdale's opponents and friends; and impatient of an honourable exile, dispatched his favourite Churchill to solicit his recall, which was still inexpedient, or permission to hold a parliament in Scotland, which it was impossible to refuse[29].

University shut up.

The students at the university of Edinburgh, had engaged by an oath to burn the pope in effigy at Christmas. Notwithstanding the vigilance of

[29] Fountainhalls' Memoirs, MS.

the magistrates and the military, to prevent this juvenile insult to the duke's religion, they accomplished their purpose with much fortitude and address. The imprisonment of these youthful patriots was resented by the populace. The blue ribbon of the covenant[30] was revived by boys and apprentices, with an inscription against the pope; and the court party retorted by wearing red ribbons, with a device expressive of their abhorrence of fanaticism. Amidst these absurd disputes, the provost's house was burnt to the ground. The accident was ascribed to revenge, and although no discovery was made, the university was shut up, and the students were expelled for a time from the town. These incidents convinced the discerning Churchill that the duke was unable, without his brother's support, to maintain himself in Scotland, much less to assert his right of succession by arms[31].

A parliament. Aug. 13.

The parliament, which was intended in the one kingdom to strengthen, and in the other to secure his right of succession, was opened with magnificence: the crown was borne by Argyle, a distinction regarded as ominous to his family; and on the death of Rothes, the office of chancellor becoming vacant, retained the chief nobility in de-

[30] Hence a true blue whig, from the favourite colours of the covenant, adopted, it is said, from an injunction to the Jews (Numbers, xv. 38.) Fountainhall's Mem. MS.

[31] Dalrymple's Mem. i. 365.

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pendence and suspense. An objection to the commission of the duke, as a papist incapacitated to represent his brother, was privately agitated; but Hamilton refused to embark in a dangerous opposition, unless a majority were previously secured[32]. On assurance of additional security for the protestant religion, an act was passed to assert the unalterable right of succession to the crown. From a fruitful principle, that the regal power was of divine origin, the parliament declared that no difference of religion could alter, that no statute or law could suspend, the lineal order of succession to the crown; and that it was treason either to attempt an innovation, or to propose limitations on the future administration of the presumptive heir. When we peruse the act, and consider how soon the crown was afterwards forfeited; when we contemplate how frequently and happily the lineal succession has been since inverted, we must smile with contempt at the extreme fragility of political laws, and at the anxious precaution with which the most violent of them are framed only to be disregarded and ultimately broken.

Act of succession.

Complaints against Hatton.

The decline of Lauderdale's credit exposed lord Hatton his brother to detection and disgrace. He was accused of perjury on Mitchell's trial; his letters were produced; and the infamy of the fact was proclaimed in parliament, but the inquiry was suppressed. Lord Bargeny, the duke of Hamil-

[32] Burnet, ii. 325. Fountainhall's Mem. MS.

ton's kinsman, imprisoned as accessary to the insurrection at Bothwell, had been twice produced at the bar, and accused of treason; but although the day was frequently prefixed, his trial was deferred. When restored to liberty, he discovered by diligent investigation, that two prisoners, taken at Bothwell, were suborned by Hatton, by the earl of Murray, and sir John Dalrymple, to give false evidence against his life. Their depositions, in which duke Hamilton was also implicated, were prepared beforehand: they were promised a share of the confiscated estates, but whenever the trial approached, their conscience revolted against the crime[33]. Bargeny's evidence was ready to be produced. Perjury and subornation, charged in open parliament against a supreme judge and an officer of state, demanded public investigation, a condign punishment, or the most ample retribution; but the duke of York interposed, to prevent enquiry; though not displeased that Lauderdale and his brother were exposed to public infamy, he was satisfied that they should both remain at the mercy of the crown[34].

[33] Burnet, ii. 325. Wodrow, ii. 125. Cuningham of Montgrennan's Declaration (subjoined to the Original Papers on the Scotch Plot, 1704); a curious picture of the corruption of the times. He was suborned with his servant; but as he failed to deserve a pardon by perjury, he was convicted two years afterwards of the insurrection at Bothwell. Wodrow, ii. 292.

[34] Fountainhall's Dec. i. 150.

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The act of succession had passed, on the promise of the two brothers to grant every security for the protestant faith which the parliament should require; but the performance of this public and solemn assurance does no credit to the sincerity of James. When demanded so loudly that it could no longer be withheld, the security of the protestant religion was insidiously converted into a test of passive obedience, for the security of the throne. A declaration from persons in office, of their adherence to the protestant religion, was at first proposed. The court party subjoined a recognition of the supremacy, a disavowal of the covenant, and an obligation never to assemble in order to deliberate on civil or ecclesiastical affairs, without the king's permission; never to rise in arms without his authority, nor otherwise to endeavour an alteration of government in church or state. The oath was to be received under the penalty of confiscation, and to be sworn according to its literal acceptation, by all persons in civil, military, or ecclesiastical offices; the king's legitimate brothers or sons excepted: and as the test was meant to incapacitate the presbyterians, it was extended to the whole body of electors, and members elected to serve in parliament[35].

Test.

Opposed with violence.

Such a violent invasion of their privileges excited fierce debates. The presbyterians would have dispensed with the security of religion, to

[35] Fountainhall's Memoirs, MS. Burnet, ii. 329.

avoid a test which the duke urged as a political engine, and which the bishops regarded as a salutary expedient for the preservation of their order, against the danger to be apprehended from a presbyterian parliament. Lord Belhaven observed that, however secure from the effects of innovations which themselves might attempt, they had no provision to preserve their religion against a popish or fanatical successor; but the words were no sooner uttered than he was sent to the castle. Argyle, with more moderation, deplored the frequency of religious oaths, but opposed the exemption of the royal family, as a permission, if not an encouragement, for men to depart from the national church. If an exemption were to be made, he proposed that it should be expressly confined to the duke; but when the latter rose to resist the motion, Argyle declared in conclusion, that the exception was pernicious to the protestant faith; and notwithstanding a previous intimation which he had given, that he would oppose whatsoever was adverse to religion, his words were observed to produce a deep and indelible impression upon James. But the opposition to the test was ineffectual, nor was a delay admitted for a single night. As it was difficult to ascertain, or to define with accuracy, what was the precise standard of the protestant religion, Dalrymple, the president, suggested as the rule of faith, the earliest confession of the first reformers, framed to expose

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the errors of popery, and to justify their resistance to the queen regent; and ratified by the first parliament of James VI. when Mary was compelled to resign her crown. It was artfully proposed as irreconcileable to the test, and had been disused so long to make way for the Westminster confession, that the contents of it were unknown to the illiterate prelates; and were adopted without being understood or even read. The test was accordingly framed, and approved by a majority of seven votes. It appeared when examined, to be a mass of the most absurd contradictions. A long inconsistent oath was prescribed, to adhere, according to this obsolete confession, to the protestant faith, yet by the recognition of supremacy, to conform to whatsoever religion the king might appoint; to maintain the former presbyterian discipline, yet to attempt no alteration in the present episcopal form of the church; to abjure the doctrines, and to renounce the right of resistance, but at the same time, as a religious duty incumbent by the confession upon good subjects, to repress the tyranny and to resist the oppression of kings. No sincere presbyterian could subscribe the oath. None of the episcopal persuasion could assent conscientiously to the confession of faith. A papist could accept of neither. But when both were conjoined, and when every explication different from the literal sense was disavowed, it was impossible, without perjury, either to receive the test or

Its contradictions.

to reconcile the contradictory terms in which it was framed[36].

BOOK VIII.

1681.

The parliament concluded with little credit to the reputation of James. Whatever were his moral or his private qualities, it was observed that he inherited all the obstinacy, and the same species of political insincerity, which his father possessed; but, in the management of parliament, discovered little capacity for the nice conduct of public affairs[37]. To evade the promise of an additional security for the protestant faith, he deceived and endeavoured to entangle the presbyterians in an ensnaring test. From his own violence, he was over-reached by Dalrymple, and the oath intended to exclude the presbyterians, was rendered adverse and equally irreconcilcable to every religious persuasion and sect. A test contradicted throughout by the confession of faith, was expected to be abandoned; but the court party was inured to political oaths. The duke was determined not to forego the political advantages of a test from which he was relieved himself; a strange example of the nature of persecution, and of his character, in exacting from the presbyterians an acknowledgment of the ecclesiastical supremacy of the crown, which his own religion disavowed, and did

Explanations of the test.

[36] Burnet, 331. Fountainhall's Mem. MS. Dec. i. 149. Wodrow, ii. 195. Argyle's Case, p. 3. written by Sir James Stewart.

[37] Fountainhall's Dec. i. 157.

BOOK VIII. 1631.

not permit him to subscribe. But the established clergy were the first to dissent. To appease their scruples, an explanation prepared by Paterson, bishop of Edinburgh, was approved by the privy council; that it was not meant to assent to every proposition, but to the fundamental articles only, of the confession of faith; and that the apostolical right of episcopacy was neither disowned, nor an alteration of its legal establishment intended by the test. But the oath was to be received in its literal acceptation. Eighty clergymen, more conscientious and pious, resigned their livings, rather than subscribe either to the literal sense or explanation of the test. The presbyterians mostly declined the oath. The earl of Queensberry subscribed it in council, with a courtly explanation, that the obligation not to attempt an alteration in church or state, implied no opposition to any alteration introduced by the king[39].

Argyle's explanation:

The earl of Argyle, when required by the duke to subscribe the test, was admonished privately, by the bishop of Edinburgh, not to ruin an ancient family, nor to augment the resentment which his opposition had kindled. In the late parliament an attempt had been made, with the duke's concurrence, to divest him of his family jurisdictions and estate. A special commission was proposed, instead of the ordinary judicatures, in order to examine, or rather to resume the gift of his father's forfei-

[39] Wodrow, ii. 198. Argyle's Case.

ture; he was refused access to the king for protection; he was displaced with Dalrymple from the court of session; and no doubt can remain of the duke's intention to ruin a potent nobleman, whose implicit and unreserved support he despaired to obtain. Argyle, aware of the danger, would have resigned his employments; but on obtaining the duke's approbation, he accepted the test as a privy counsellor, with this explanation: "That as the "parliament never meant to impose contradictory "oaths, he took it as far as consistent with itself, "and the protestant faith; but that he meant not "to bind or preclude himself in his station, in a "lawful manner, from wishing or endeavouring "any alteration which he thought of advantage "to the church or state, and not repugnant to the "protestant religion, and his loyalty; and this he "understood to be a part of his oath." His explanation was graciously received. He resumed his seat on the duke's invitation, but declined to vote on the general explanation which the council pronounced that day upon the test. Next day he was required in council to renew the oath, as a commissioner of treasury, and when he referred to his former explanation, it was clamorously demanded. Alarmed at this eager importunity, he acknowledged, but refused to subscribe the explanation, and was immediately displaced from the council board. A few days afterwards he was enjoined to enter prisoner in the castle, and was

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for which he is accused.

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accused of leasing-making, perjury, and treason; of depraving the laws, and assuming the legislative powers of the state[39].

His trial.

No man could believe, that the ministerial cabal was so bold and flagitious, or that the duke was of such a ductile or tyrannical disposition, as to persist in a judicial trial, in order to deprive Argyle of his honours, his estate, and life. Nothing farther was apprehended at first, than a design to extort, by menaces, a more ample submission; the surrender of his jurisdictions, and a part of his estates. Eight advocates, who signed an opinion that the explanation was legal, were severely threatened; the assistance of Lockhart was thrice prohibited, and was only granted from an apprehension that Argyle, if deprived of the benefit of counsel, might refuse to plead. The iniquity of the whole trial is manifest; but it is proper, and often profitable in history, to investigate the minute particulars, and to record the infamy of each judge, as a warning to others, and as a wholesome example to future times. When Argyle was arraigned at the bar of the justiciary court, his explanation of the test was perverted throughout. That the parliament never meant to impose contradictory oaths, was converted by Mackenzie, the king's advocate, into a tacit, defamatory implication, that such contradictory oaths were actually imposed by parliament: That he took the oath as

Dec. 12.

[39] Wodrow, 3. 7. &c. Burnet, ii. 335.

far as it was consistent with itself and with the protestant religion, implied, maliciously, that it was consistent with neither: That he was not thereby precluded from such alterations as he thought advantageous to the church or state, released him from every obligation contained in the test: And that he understood this to be a part of his oath, transferred the legislative power of the estates to himself. By means of such miserable comments, leasing-making, perjury, and treason, were deduced from a perversion of the most innocent words. The pleadings are extant, and the arguments of Lockhart reflect dishonour on the public accuser and infamy on the court. He demonstrated to the secret conviction of the judges themselves, that the explanation, far from amounting to treason, was not even criminal; and that the particular expressions were of the most innocent import, necessary to disburden the conscience from perjury, and strictly legal. But the question had been already prejudged in council. The court was adjourned; but the judges continued sitting till midnight, to determine on the *relevancy of the libel*, whether in point of law the explanation of the test was sufficient to constitute those crimes which the indictment contained. Collington, an old cavalier, and Harcarse, a just and learned judge, prolonged the deliberations on the indictment, and opposed its *relevancy*, which was supported by Newton and Forret, the former instru-

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BOOK VIII. 1681.

ments of Lauderdale's corruption. Queensberry, who presided as justice general, had himself received the test with an explanation; and in this delicate situation, when the judges were equally divided on the question, his private conviction was sufficiently attested by his refusal to give a decisive vote, or forfeit the preferment and favour of court by the acquittal of Argyle. To relieve him from this disgraceful dilemma, Nairn, a superannuated judge, whose attendance had been long dispensed with, was roused from his bed at midnight; and the proceedings were read over, as he had not heard the debate; but he dropped asleep till awakened for his vote. The interlocutor was pronounced next day, in the strict forms of unsubstantial justice; "Sustaining the charges as relevant, repelling the legal defences against treason and leasing-making, and remitting the indictment, with the defence against perjury, to the knowledge of an assize." Unconscious of this midnight divan, Argyle and his counsel were overwhelmed with surprise and despair. They declined any challenge of the jurors, or examination of the witnesses; or disdained to renew an unavailing defence. The jury asserted their full share of infamy, in this iniquitous transaction. Montrose, the chancellor or foreman, dishonoured the reputation derived from his grandfather, in order to avenge his death; and of eleven peers and four commoners, seven were privy-counsellors, per-

sonal enemies, deeply engaged in the prosecution of Argyle. From a gross affectation of impartiality, they acquitted him of perjury in receiving the oath in a false acceptation, but found by an unanimous verdict, that he was guilty of treason and leasing-making to their full extent [40]. BOOK VIII. 1681. Convicted.

It is in vain for apologetical historians to pretend, and in vain for James to assert in his memoirs, that nothing more was intended than to wrest some dangerous jurisdictions out of the hands of Argyle. A man, who has perverted the course of justice, in order to acquire an undue power over another's life, has no claim to credit for the motives which it may be convenient to assert when his victim has escaped. Argyle had already offered to surrender those jurisdictions, unconditionally, to the king. The design was to ruin the head of the presbyterian party, and to divide the estates among the duke's friends. Whatever were their original designs against his life, his execution, if sentence were once pronounced, was a single additional step which their safety might require, and which the duke's authority was sufficient to sustain. When convicted formerly of the same fictitious crimes, he was preserved by Lauderdale, whose influence had now declined, and he discovered that no favour was to be expected at court. On the return of his messenger, he was informed of the king's instructions, that the sentence should Motives of the trial.

[40] Burnet. Argyle's Case, ii. 5. 8. 83.

BOOK VIII. 1681.

be pronounced and the execution suspended; but every circumstance seemed to announce that his death was resolved. The military were ordered to town, and his guards were doubled: apartments were provided for his reception in the public gaol, to which peers were usually removed from the castle before execution; and the dark and ambiguous expressions of the duke and his creatures, implied that his execution was necessary, and that it would be easier to satisfy the king when the deed was done, than to procure his previous consent. Whether these insinuations were employed to intimidate Argyle, he escaped that evening in the train of his daughter-in-law, the lady Sophia Lindsay, disguised as her page. Sentence of attainder was immediately pronounced. His honours, estate, and life, were forfeited in his absence; his arms were reversed and torn; his posterity was incapacitated; and a large reward offered for his head. Notwithstanding a general alarm, and a vigilant pursuit, he was conducted to London, by Veitch a clergyman, through unfrequented roads; and Charles, who possessed not the common justice to pardon and restore him, had the generosity not to enquire after the place of his retreat[41].

Argyle's escape.

Never was a sentence productive of more execration and horror; never, perhaps, was a sentence more flagitiously obtained, than the attain-

Effects of his sentence on the public.

[41] Argyle's Case, 121. Burnet. Wodrow, ii. 213. Fount. Dec. i. 167.

der of Argyle. Even the episcopal party, whom James had attached to his person and interest, were indignant at the shameless prostitution of justice, and the depravity of the prime nobility, who had descended to the basest offices, in order to accomplish the ruin of an ancient house. But the presbyterians were struck with consternation and despair. The most obnoxious of such as had opposed the test, and among these the earl of Loudon, Dalrymple the late president, Stewart an advocate, Fletcher of Salton, retired to the continent. The duke of Hamilton, and the proprietors of twenty sheriffships, or extensive regalities, rather than receive a test so pernicious to Argyle, suffered their hereditary jurisdictions to lapse and revert to the crown[42]. From the horror and antipathy which the sentence inspired, the presbyterians became ever afterwards irreconcileable to James. He allowed them, they said, to continue protestants, but if they once ventured to assert their faith, not the most uniform nor meritorious services could atone for a single act of opposition or of zeal[43]. Their fears were communicated to those who had urged his exclusion with such violence in England, and whom the dissolution of the last parliament of Charles had left unprotected; and Argyle's case, which was printed in London, produced a deep impression on the public mind. From the coincidence of the two events,

BOOK VIII. 1681.

[42] Wodrow, ii. 225. [43] Fount. Mem. MS.

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his attainder, at the duke's instigation, was compared with the acquittal of Shaftesbury, against whom it appeared that the king himself had condescended to solicit evidence, if not to practise the arts of subornation [44]. There was nothing similar to the corruption of the peers and jurors of Argyle; except the venal evidence which was allotted in England to the vilest of mankind. But the exclusionists anticipated their own destruction, from the attempt to ruin the two protestant earls; and if such were the first fruits of the duke's administration in Scotland, what was to be expected from his tyrannical disposition when he should ascend the throne? What, but the most sanguinary reign of proscription and terror? the fear of which was productive of extensive conspiracies, in which the patriots of each kingdom were involved.

Duke shipwrecked.

Lauderdale, who had outlived his influence, and by a timid vote for the condemnation of Stafford, had incurred the duke's resentment, sunk under the weight of vexation and age [45]. After the fall of the exclusionists, the duke was recalled to court; but he lost his ship when returning to Scotland, for the purpose of placing the administration there in the hands of his confidential friends. He was preserved in his barge, to which Churchill, Legg,

[44] Ralph, i. 639—40.

[45] His brother succeeded to the title of Earl; but the rapacious duchess had impoverished and despoiled the family of its principal estates. See Fount. Mem. Dec. i. 208. 223.

and the earls of Middleton and Perth, were admitted: others were saved by boats from the attending yacht, but the vessel sunk with several persons of distinction on board. It was maliciously said, that the duke appeared chiefly solicitous for his priests and dogs; but if more lives might have been preserved in his barge, the testimony of the drowning seamen acquits him of the first part of this inhuman charge. As if insensible to the horrors of their own situation, they gave a loud shout while sinking themselves, when they observed him safely received into the yacht. On his arrival in Scotland, Queensberry was appointed treasurer, and created a marquis; Perth, justice general, an important office in the present reign; Gordon of Haddow, chancellor, with the title of earl of Aberdeen; and to these men the administration of the kingdom was entrusted by James, with instructions sufficient to authorise the most unrelenting rigour. After a short stay, he returned with the most ample and absurd testimonies from the bishops, of his affection for the church[46].

BOOK VIII. 1632.

As a change of administration was productive of no change in the measures of a despotical government, the unhappy country procured no relief. Every new ministry created for the purpose of pursuing the same measures, endeavoured to exceed the violence of its predecessors, and to en-

Severe administration.

[46] Burnet. Macpherson's Orig. Pap. i. 133. Kennet. Fount. Mem.

BOOK VIII. 1682.

rich and recommend itself, by oppression, to the court. The most ruinous penalties were ordered to be levied without mitigation; and the people, sensible that unless they conformed they were utterly ruined, returned in a body, but with marked aversion or contempt, to the churches, where, in some places, a sermon had been discontinued for many years. The persecution of conventicles became far more severe, and the administration of justice more corrupt than ever: the execution of fanatics became daily more frequent: even the military were invested with justiciary powers; and the ingenious cruelty of the justiciary court was exhausted in the invention of new laws and of new crimes. As if the insurrection at Bothwell were not yet avenged, Hume, an inconsiderable landlord, and as such excepted from the indemnity, was convicted without evidence of having acceded to the rebellion, because his *defence was repugnant to the indictment*, or in other words, because it was contrary to the crimes of which he was accused. But his father had sat as a juryman on the trial of Haddow, the chancellor's grandfather; and as if a retribution were due to the duke's religion, the anniversary of Stafford's death was selected for his execution[47]. Another trial, of which the consequences were more extensive and memorable, created an alarm through the whole kingdom. Laurie or Wier of Blackwood

Hume's trial and execution.

Blackwood's illegal sentence.

[47] Fount. Mem. Wodrow, ii. 268. Burnet, ii. 340.

was convicted of treason for conversing with tenants involved in the guilt of rebellion. They had remained for two years unmolested, neither prosecuted nor intercommuned, but the judicial presumptions on which he was condemned, were strung together in a manner that exhibits a curious specimen of the logic and inventive subtlety of an iniquitous court. As every good subject was bound to discover those whom he suspected of treason, it was treason to converse with a suspected person, however innocent he might prove. But a person once engaged in a rebellion, must be presumed to incur the suspicion of the neighbourhood. The suspicion of the whole neighbourhood must be known to each individual in it. But it was proved that the persons with whom Blackwood had conversed, had been concerned in rebellion, and presumed, as the sole ground of his conviction, that their treason could not have escaped his notice, nor have failed to excite his suspicion. His execution was frequently respited, as his attainder sufficed to establish a lucrative precedent for a new and a comprehensive crime[48]. A proclamation was issued against all who had ever harboured or communed with rebels: circuit courts of justiciary were appointed for their trial and condemnation as traitors; and this inquisition was to subsist for

Its extensive consequences.

[48] Burnet, 243, Fount. Dec. i. 213. Burnet calls him Wier, he or his father having married the heiress of Wier of Blackwood, and assumed that name. Nisbet's Heraldry.

BOOK VIII. 1683.

three years, when an indemnity was promised; but an immediate absolution was conferred on such as accepted the test. The proclamation, since Alva's persecutions in the Netherlands, the most atrocious perhaps which the world had yet seen, comprehended twenty thousand who had held a promiscuous intercourse with rebels, and who were reduced to the cruel alternative of perjury or treason. In the succeeding circuits it was strictly executed in every article, nor did the ministry dissemble their wishes, that the people might be compelled by its rigour to abandon the kingdom; but the people flocked to the test, as they did to church; protesting that they received it against their conscience, to avoid destruction to themselves [49].

Conspiracy in England.

Wearied, however, with the tyranny which they had long endured, and terrified at the prospect of the severer tyranny for which they were reserved, the presbyterians were disposed to yield to the design, and to abandon a kingdom where none were safe. The wealthy, alarmed at Blackwood's attainder, prepared to settle or to sell their estates. A scheme concerted during Lauderdale's oppression was revived, to establish a

[49] Fount. Dec. Burnet, ii. 345. "When Dundonald regretted the devastation of the west by the highlanders, Lauderdale replied, that it were better the country bore windle straws and sand larks than boor rebels to the king. This, though not fond of quoting his authority, they now repeated to the king." Fount. Mem. MS.

colony in America, and to transport themselves and their followers to its unpeopled wilds. Thirty-six noblemen and gentlemen entered into the association, and their agents contracted with the patentees of South Carolina for an extensive settlement, where their freedom, their religion, and their name, might be preserved [50]. The scheme was encouraged by James, who preferred a desolate country to a disaffected people. But the exclusionists in England, alarmed at the approaching danger of the duke's succession, had projected on the sudden illness of Charles, an early insurrection in the event of his death. After the retreat and death of Shaftesbury, Russel and Sidney renewed the communication with the discontented city, exasperated at the loss of its chartered privileges; and they invited the Scots to co-operate, while the plan of insurrection extended through England. Men about to abandon their country from oppression, were prepared for the most desperate enterprize to preserve it. Under the pretext of the American expedition or purchase, lord Melvile, sir John Cochran of Ochiltree, Baillie of Jerviswood, Monro, sir John Campbell of Cesnock, and sir George his son, were invited and repaired to London, to consult with Monmouth and the council of six. A treaty was opened by means of Carstairs, a clergyman, with Argyle and the Scottish exiles in Holland. Ten thousand pounds were

BOOK VIII. 1683.

[50] Wodrow, ii. 230.

BOOK VIII. 1683.

demanded for the purchase of arms, with which Argyle undertook to begin an insurrection in the west of Scotland. The earl of Tarras, Monmouth's brother-in-law, was instigated to take arms with his friends on the borders, as soon as the first signal of revolt was sounded in England. Nothing, however, was yet determined nor properly matured. Money was not provided for Argyle, nor were the Scottish conspirators satisfied with the dilatory caution of their English confederates, whom they regarded as a disjointed cabal, fit only to debate, but incapable of an insurrection, which was daily deferred. While they sent to restrain the impetuosity of their countrymen, they determined, unless greater vigour were immediately adopted, to separate from the confederacy, and to consult for themselves [51].

Discovery of the Ryehouse plot.

An insurrection entrusted to so many, and delayed so long, could not remain concealed. A separate plot, upon which the subordinate conspirators had discoursed, but concerted nothing, was first detected, to assassinate the king and his brother at the Ryehouse, on their return from Newmarket; and the virtuous Russel, the heroical Sidney, suffered for a conspiracy of which they were ignorant. The Scottish conspirators were implicated in the discovery; and Argyle's letters, which perplexed the most skilful decypherers,

[51] Sprat's Account of the Ryehouse Plot, 26. 647. Carstair's State Papers, 10. 14.

were intercepted. Melvile and Cochran escaped to Holland: Ferguson, the celebrated plotter, was traced to Edinburgh; but when the gates were shut to prevent his escape, he found a secure asylum in the common gaol; the place which was least likely to be suspected or searched. The rest were secured, and remanded to Scotland to be tortured or condemned. But the Scottish conspirators had acted with more circumspection than the English, though impatient of their delays; and from the evidence of Holmes and Shephard, nothing but hearsay reports had transpired. To extort a discovery of their guilt, Gordon of Earlston, attainted in his absence, and intercepted with credentials from the Cameronians to their friends abroad, was ordered by Charles to be tortured after a sentence of death; but at the sight of the instruments of torture, instant madness was produced by his horror and despair [52].

BOOK VIII. 1683.

But in state offences, nothing more than the forms of justice was observed in Scotland, and even from these the justiciary court was impatient to recede. Sir Hugh Campbell of Cesnock, an old and venerable gentleman, was first arraigned. As there was no proof of his participation in the conspiracy, he was accused of abetting the insurrection at Bothwell, by reprimanding or exhorting the deserters to return. His defence, that he was

1684. Cesnock's trial.

[52] Dalrymple's Mem. i. 67. Wodrow, ii. 311. Fount. Dec. i. 245.

BOOK VIII. 1684.

then in his own house, remote from the place where the supposed words were uttered, was overruled as contrary to the indictment, inferring perjury against the evidences for the crown. His proof, that the witnesses were actuated by revenge, and suborned by rewards, was also rejected. But when the first witness was produced, and his own condemnation appeared inevitable, he checked him in the midst of his evidence, and adjured him solemnly; "Look full in my face, "and by the perilous oath you have sworn, take "heed to what you say; for I declare, at the peril "of my own soul, that to the best of my remem- "brance I never beheld your face before." Though tutored by previous examinations, the witness was struck with this impressive address. He acknowledged that he knew of nothing against the prisoner; and a loud shout expressed the sympathetical emotions of the public mind. His companion faultered and confessed the same ignorance; confounded by a low and indignant murmur, "What! would you swear away the honest old "gentleman's life?" Perth, the justice general, whose brother had obtained a previous gift of the expected forfeiture, endeavoured repeatedly to prompt and to direct the evidence; but the jury for once interposed, and acquitted the prisoner, after a violent altercation with the bench. But the witnesses were loaded with chains till they retracted their evidence: the jury were prosecuted

and unexpected acquittal.

for a riot in court; and old Cesnock, though acquitted by their verdict, was detained in prison during the remainder of his life [53]. BOOK VIII 1684.

His acquittal was fatal to Baillie of Jerviswood, whose life was the more eagerly sought, to convince the people, by a public example, of a real conspiracy to assassinate the king. Every discovery was expected from Argyle's letters, which required a double key; for the explanation of the cyphers, and for the collocation of the words. Spense, Argyle's secretary, who had been detected in England, was repeatedly exposed by Perth to the torture. After enduring the common engines of torture with fortitude, he was deprived of sleep for a week, till a new instrument was invented, the excruciating torments of which he was unable to sustain [54]. Yet in this extremity he was careful to stipulate, before he consented to decypher the letters, that his evidence should never be judicially employed. Carstairs, subjected to the same tortures, yielded to the same conditions. The discoveries thus extorted, revealed the correspondence with the earl of Tarras and his friends, whose evidence against Jerviswood was procured by threats, or by the hopes of life. He was pro- Jerviswood's trial and execution.

[53] Fount. Dec. i. 286. Wodrow, ii. 382.

[54] Id. 387. Burnet, ii. 425. Carstairs. The thumbikins; small screws of steel that compressed the thumb and the whole hand with an exquisite torture; an invention brought by Drummond and Dalziel from Russia. Fount. Dec. i. 300.

BOOK VIII. 1684. duced for trial in the last stage of decay, when the rigours of a long imprisonment had left him few days, or even hours to live. The day after his indictment, he was arraigned at the bar. The defective testimony of his nephew, the earl of Tarras, was supplied by the extrajudicial confession of Carstairs, which was perfidiously read, and sustained, not as legal evidence, but by a judicial sophism, as an *adminicle* of proof. His condemnation was to be expected on the most imperfect evidence; but he was conducted on the same day, Dec. 24. and within a few hours, from the bar to the scaffold, lest his execution should be prevented by a natural death. Notwithstanding the enfeebled and dying state to which he was reduced, his deportment is described as a mixture of Roman greatness, and Christian resignation; and, during the trial, the sanguinary Mackenzie, the king's advocate, shrunk from his keen reproaches with compunction and shame. His declaration on the scaffold was interrupted, as usual, by the noise of drums. But his speech was diffused in writing, attesting the common principles of the whigs, his attachment to monarchy and the king's person; but asserting the right of resistance, in order to preserve the constitution and the protestant faith, and to prevent the judicial effusion of innocent blood. His sister-in-law, a daughter of Wariston, who had voluntarily shared his imprisonment, supported his exhausted frame on the trial. She

attended his last moments on the scaffold, and with more than female fortitude, contemplated the melancholy execution of an horrid sentence; his head affixed to the city gates, his body dismembered, quartered, and preserved; the mangled remains to be distributed among the principal towns in the west [55].

The remainder of this atrocious reign exhibits little else than a cruel and oppressive despotism; from the most unprincipled extortion, to the most frantic and sanguinary excesses of revenge. The attainder of Blackwood, instead of remaining a barren example, was improved into a fruitful precedent against all who had harboured rebels, or inadvertently communed with persons secretly guilty, as suspected of treason. A general inquisition was made by the clergy, and the officers of justice, in each county, and almost in every parish of the west and south. A voluminous and secret roll of delinquents was prepared in each, for the approaching circuits of the justiciary court [56]. There the test was invariably tendered, to supplant the covenant; and among the means by which it was enforced, gibbets were erected in some villages to intimidate the people [57]. The

Justice prostituted for the purpose of extortion.

[55] Wodrow, Addenda, vol. i. ii. 394. Fount. Dec. MS. Burnet, ii. 427. State Trials, vol. iii.

[56] The *porteous* rolls for Air contained three hundred, for Lanerk, above two hundred sheets. Few gentlemen were omitted; in Renfrew none. Wodrow, ii. 817.

[57] Wodrow, ii. 412—66.

BOOK VIII 1684.

unhappy recusants were crowded into prisons, and when the evidence was defective, were convicted on their own oaths, of an intercourse with rebels; the prevailing crime from which few were exempt. At the conclusion of the first circuit, a prescriptive list of two thousand outlaws, or fugitives from justice, was proclaimed to the nation; and to the mockery of all regular government, subordinate, or rather intermediate circuits were held by officers invested with justiciary powers, who summoned juries, administered tortures or oaths at discretion, and practised every species of extortion or outrage which is to be expected when the military are entrusted with the execution of the laws[58]. When revenue becomes the sole or the principal object of government, no nation can ever be truly happy, or exempt from the operation of the most vexatious laws: but woe to that devoted country, where the penalties exacted from the wretched inhabitants constitute a fixed, and regular subject of finance! The fines imposed upon nonconformists and recusants, were diligently collected as a source of public revenue in Scotland: and to render them the more extensive and more deeply ruinous, a question was moved in the privy council, whether husbands, liable by statute for the attendance of their wives on conventicles, were not equally amenable for their absence from church. The men had generally

Proscription of two thousand.

[58] Wodrow, ii. 318. 401. App. 105. Fount. Dec. i. 235.

form were projected, a signal alteration in government was certainly intended; but Scotland had no relief to expect from the return of the duke. Preparations, it is said, were already made for his departure, when the king was struck with an apoplexy, and after a slight recovery, he relapsed in a few days into another fit, of which he expired. He died in the bosom of the Romish church, at the age of fifty-four, but at a juncture so critical and so favourable for the catholics, his unexpected death was imputed to poison[67].

BOOK VIII. 1685.

His character.

Ever since the era of the accession, the sovereign became so much estranged from Scotland, that, except in the civil wars of Charles I. his presence or personal interposition has seldom occurred. From the transactions in Scotland, therefore, under Charles II. it is neither possible to discover his private, nor equitable to judge entirely of his public character. His early misfortunes had rendered him an easy, unassuming companion, familiar and intimate with his attendants in exile. His converse with foreign courts had imparted an elegant refinement to his manners, which our

[67] Macpherson's Orig. Pap. i. 147. Burnet, ii. 456. Welwood, 142. It is remarkable, but it does not amount to historical evidence, that the duke of Buckinghamshire concurs with Burnet and Welwood in this fact; that Doctor Short, the principal physician who attended Charles, believed that he had been poisoned, and declared, when dying, that he had been poisoned himself, for speaking his mind too freely of the king's death.

BOOK VIII. 1685.

former sovereigns never possessed. Affable, indulgent, ingenious, and communicative, polite without affectation, facetious and witty without malignity, alike exempt from his father's reserve and his grandfather's buffoonery, he was blessed with all the external and specious qualities of an accomplished prince; and when restored to his subjects, he appeared to be born for the delight of the human race. But though adversity be the school of princes, it is seldom that they return from exile amended or improved. His sense of misfortunes had been lost in dissipation, and although his judgment was sound and correct, his mind, engrossed with frivolous pursuits and unworthy pleasures, was incapable or impatient of application to serious affairs. His indolence has been frequently employed to extenuate his vices, by those authors with whom history is an apology for the crimes or the misconduct of kings. He was insincere in his promises, to avoid importunity; ungrateful, to escape obligations which he was unable to discharge. But these vices had a deeper root, in the distrust and habitual dissimulation acquired in exile. The unfriendly reception which he experienced abroad, and perhaps the difficulties which he met with after his return, had inspired a settled distrust, not only of all parties, but of all mankind. His intrigues and intercourse with every party, with the presbyterians, the cavaliers, and the papists, had inured him early

returned to public worship, from which their wives, who were unnoticed in the act, abstained; and the earl of Aberdeen, the chancellor, feeling his credit undermined at court, adhered strictly to the laws, which was termed popular moderation in these furious times. But the act comprehended all persons deserting the church; man and wife were the same person; and the conclusion, that the husband should incur the penalties of his wife's transgression, was embraced by Queensberry in order to replenish the treasury, and by Perth from an avowed maxim that the presbyterians were to be governed with an extreme rigour, or rather to be exterminated, as enemies irreconcileable to the duke's succession. When the question was referred to Charles, who had ever despised the conscience of women, as much as he esteemed their persons, he, at the instigation of his brother, determined, most ungallantly, that husbands were responsible for the offences, or the absences of their wives from church. To the presbyterians this decision was of deep importance. Their ladies for many years had withdrawn from church; and their estates were exposed, by an accumulation of penalties, to the mercy of the crown. Within eleven counties, the penalties exacted, of every denomination, amounted to an hundred and eighty thousand pounds sterling; and other shires, to avoid the destructive visitation of the circuit courts, submitted to the land-tax, be-

BOOK VIII. 1684.

yond the period for which it was granted by parliament [59]. Nor were the forfeitures for which numbers compounded, included in this estimation of fines. Gentlemen of probity and rank, accused on the most malicious informations, were convicted without legal evidence, on a strained interpretation of obsolete laws; and were compelled to redeem their fortunes and their lives from some worthless minion or minister of state. Of this iniquitous traffic of justice, some idea may be formed from the example of a gentleman, who had refused, when solicited, to contribute a small sum for the support of Argyle. When the court of session was consulted on this unknown crime, Perth the chancellor, and the fifteen judges, delivered an opinion, that as Argyle, in the first instance, was a traitor, it was treason, in the second instance, to contribute money to his support; to solicit contributions, in the third instance, was equally treasonable; and in the fourth instance, notwithstanding the refusal to contribute, it was treason to conceal such a treasonable demand. On this infamous, but unanimous opinion of the court of session, Porterfield was condemned to death by the justiciary court; and was obliged to compound with his judge lord Melfort, the chancellor's brother, for his estate and life [60]. Perhaps there are few presbyterian families that were not

Porterfield's case.

[59] Fount. Dec. 305. Wodrow's Hist. Pref. 60.

[60] Fount. Dec. i. 315. Wodrow, ii. 422.

involved in proscriptions or penalties; few of the nobility, whose ancestors were neither sufferers nor sharers in the iniquity of the times. But where the prisoners were unable to purchase, or otherwise to deserve their enlargement, the county gaols were disgorged into those of the capital; the mildest fate of whose wretched tenants, was to be transported as soldiers to Flanders, or as slaves to the plantations[61].

Execution of fanatics.

Amidst the most rapacious extortions to which the prostitution of justice was thus instrumental, the execution of fanatics was never intermitted; but the complexion of government soon assumed a more sanguinary hue. The situation of the presbyterians was truly deplorable; their clergy were ejected, silenced, and driven into exile; the gentlemen were labouring under imprisonment or exorbitant penalties; the peasants were harassed by the army, and oppressed and ruined by itinerants courts. But the fugitives, and the sect of Cameronians, were rendered mad and desperate by the severer vengeance to which they were indiscriminately devoted. The latter, under the name of the united societies of the west, had burnt the test and the act of succession, at Lanerk; and had renewed their declaration against Charles as a tyrant, and against James as a papist unworthy to reign. They were uniformly convicted on the former ensnaring questions; was Sharp's death

[61] Wodrow, ii. 339.

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murder? was the rising at Bothwell rebellion? is Charles the rightful king? and not unfrequently were executed within a few hours after their sentence was pronounced. The father durst not receive his son, nor the wife her husband; the country was prohibited from harbouring the fugitives, and the ports were shut against their escape by sea. When expelled from their homes, they resided in caves, among morasses and mountains, or met by stealth and by night for worship; but wherever the mountain men, as they were styled, were discovered, the hue and cry was immediately raised. They were pursued and frequently shot by the military, or were sought with more insidious diligence by the spies, the informers, and the officers of justice; and on some occasions it appears that even the sagacity of dogs was employed to track their footsteps, and to explore their lurking retreats[62].

At a secret meeting of their united societies, they prepared, in language which moves at once our compassion and horror, an admonitory declaration to their persecutors, which nothing could have suggested, and nothing can extenuate, but the deepest despair. After a temperate disavowal of the royal authority, they express their abhorrence of murder committed from a difference of judgment or of religious persuasion; but admonish their sanguinary persecutors (between whom

[62] Wodrow, ii. 429—47—9.

and the more moderate, they are careful to discriminate) that from the common principle of self preservation, they will retaliate according to their power, and the degrees of guilt, on such privy counsellors, lords of justiciary, officers, and soldiers, their abettors and informers, whose hands shall still continue to be embrued in their blood [63]. The declaration was affixed to different churches, and appeared the more alarming from the murder of two soldiers, active in persecution, whose murder however the societies have ever disclaimed. Every petty oppressor felt or imagined the knife at his throat. But although a pernicious race of informers was intimidated, the government was instigated to atrocities worse than any which the declaration had denounced. The court of session was again consulted, whether the refusal to answer or to disavow the declaration on oath, could amount to treason; but its prostituted affirmation was insufficient to gratify, and the forms of legal execution were too dilatory to assuage, the desire of revenge. An absolute and undisguised massacre was appointed by a vote of council; "That "whosoever owned, or refused to disown the de- "claration on oath, should be put to death, in the "presence of two witnesses, though unarmed "when taken." A form of abjuration was prescribed, as the only security from military execution. The army was employed to enforce the

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A massacre voted in council.

[63] See Note V.

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oath, with instructions to put such as acknowledged the declaration to the sword; to summon a jury, and to execute those on the spot who refused to disown it; to secure their families, above the age of twelve, for transportation, and to consign the habitations of the absent to the flames. Special commissions, or courts of inquisition, were appointed for twelve counties, with justiciary powers; and among other inhuman instructions, women active or obstinate in fanaticism, were ordered to be drowned, as improper objects of military execution[64].

Military executions and murders in the fields.

Such inhuman mandates might appear incredible at present, or exaggerated by party zeal, were they not attested by the records of the privy council. But the execution was not inferior to the spirit with which they were dictated. In whatever districts the declaration had appeared, the aged and infirm were dragged from their homes; the inhabitants, of each sex, were collected and surrounded by dragoons, with their swords drawn, till the abjuration was received. In other places it was carried by the military from house to house; it was imposed, indiscriminately, on old and young; and converted into a passport, without which it was death to travel. Innkeepers were required to exact an oath from travellers,

[64] Wodrow, ii. 401—34, 5. From Mallet's Pref. to Amyntor, it would appear that the warrant for this massacre was signed by the king.

that their certificates were genuine; and the meanest centinel was invested often with justiciary powers. Such was the inflexible observance of religious scruples, that many, who had never heard of the declaration before, refused to abjure it; and rather than condemn or disown their brethren, were arraigned, convicted, and led to execution on the same day[65]. But as military execution became more frequent, a sanguinary period ensued, from which historians have turned away their eyes with horror. The recusants were shot to death on the roads, or at their daily occupations in the fields; the fugitives were slain in the pursuit, or were massacred in their retreats; and as the unbridled rage of the soldiers was restrained by no sense of humanity or of justice, the most wanton murders were perpetrated without inquiry, and without discrimination. Flight was equivalent to guilt; suspicion to proof. To disown, or to acknowledge the king according to the covenant, was alike treasonable; and death was inflicted in the midst of prayer, or without an interval to prepare for death. Under the command of Drummond, the officers chiefly noted for savage cruelty, were White, Balfour, Grierson, Urquhart of Meldrum, Douglas the marquis of Queensberry's brother, and above all, Graham of Claverhouse, who chose to forfeit, in the blood of his innocent, defenceless countrymen, the he-

[65] Wodrow, ii. 436—9. App. Hind let loose, 199.

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roism so gratuitously ascribed to the viscount Dundee. Upon one occasion, when six unarmed fugitives were intercepted, four were instantly shot in his presence; the remaining two were afterwards executed by his order; and another, a husband, whose flight he had arrested, was brought back to his family, to be put to death in the presence of his wife. To enumerate the various examples or victims of cruelty, would be a painful task. Of the number who perished in prison, or expired on gibbets, or were murdered in the fields, no certain computation is preserved. But the massacres begun in the present, continued to increase during the succeeding reign; and an expression ascribed, perhaps falsely, to James, was repeated with horror, that it never would be well with Scotland till the country south of the Forth were reduced to a hunting field[66].

Death of Charles.

Charles, convinced, according to some historians, that the government, even in England, was too violent to be permanent, had meditated the recall of his favourite Monmouth, and the exile of his brother, who had engrossed the whole administration of affairs. Whatever schemes of re-

[66] Hind let loose, 200. Wodrow, ii. 444—51. Cruickshank, ii. 335. Cloud of Witnesses. Hist. of the late Revolution in Scotland, by J. S. Lond. 1690. On these massacres, and on the whole persecution of the reign, the episcopal historians are silent as the grave; they have never attempted a minute history of their church, after the restoration. See Skinner's Hist.

to a perfidious duplicity; his easy insinuating address was conducive to the most artful dissimulation; and his systematical disregard of morals is betrayed in the favourite and uniform maxim of his whole life; that men were never honest nor sincere from principle, nor women ever chaste but from humour or caprice. With the manners, taste, and refinement, he had imbibed the licentious gallantry of the French court; and to his habitual dependence while a fugitive, we must ascribe the venal and prostitute spirit with which, in his secret treaties with Louis, he sold the nation and himself when king. From the dangerous effects of his popular talents, and desire of absolute power, which his education among the cavaliers abroad had confirmed, the English found a temporary resource in his indolence and profusion; and till the last years of his reign, his government, however unconstitutional, was comparatively mild. But his mind was alike adverse to the liberties, and irreconcileable to the religion of the nation, and ever ready to sacrifice its glory and its interests to his own criminal pursuits and pleasures; and hence a reign, auspicious and popular at its commencement, became, as might naturally be expected, disgraceful and odious before its conclusion. BOOK VIII. 1665.

His person was tall and graceful; and his countenance an assemblage of harsh, but majestic features. Historians, struck with his resemblance to

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the busts of Tiberius, have indulged a comparison of their characters, and the events of their lives; their invariable choice of unprincipled favourites, whom they successively trusted, hated, and destroyed; the profound dissimulation with which they concealed their designs; their indolence and love of pleasure; their early banishment, unexpected succession, and suspicious death [68]. Neither in the social, though licentious pleasures of his court, nor in the government of England, disquieted and therefore controlled by the most opposite factions, did Charles resemble the solitary and suspicious tyrant of Capreæ; but the various and enormous oppressions of his reign in Scotland, may be compared with the tyranny of the worst Cæsars. The only difference is, that instead of cruelties inflicted chiefly on the first ranks of the nobility, whom Tiberius extinguished, a more diffusive, and to the people a more insupportable tyranny, extended over the community at large. The only apology for Charles is, that he was not present to superintend or to restrain his ministers; to witness the tortures, the groans, or the murder of his subjects; and to compute the sums that were wrung from their misery, or the blood indiscriminately shed by his judges and guards. But the crimes of his ministers, and the outcries of the people, were repeatedly, yet ineffectually, conveyed to his ear: the orders for a massacre were certainly

Character of his reign in Scotland.

[68] Burnet. Welwood.

executed with his approbation, if not subscribed with his hand; and his refusal to alleviate the calamities of his subjects, bespeaks a cruel, unforgiving, and obdurate heart; irreconcileable to the presbyterians from former indignities, and though exempt from religious bigotry, secretly gratified with religious persecution.

THE

HISTORY

OF

SCOTLAND.

BOOK IX.

Accession, and Parliament of James.—Argyle's Invasion and Execution.—Opposition to the repeal of the Penal Laws and the Test.—Dispensing powers exerted.—Origin and progress of the Revolution in England—in Scotland.—Convention of Estates.—Forfeiture of the Crown by James,—its settlement on the Prince and Princess of Orange.

BOOK IX. 1685. Accession of James.

WHATEVER opposition had been made to a popish successor, in the preceding reign, there was no party now to resist or to disturb the accession of James. The administration of the three kingdoms had been placed in his hands; and when the alarm of the popish, was succeeded by the detection of the Ryehouse plot, the English, apparently, were not averse from a tacit compromise for the surrender of their liberties, if their religion were preserved. The first ambiguous declaration of James, that he would neither de-

part from his just prerogatives, nor invade the established government in church or state, was represented as the word of a prince never yet broken, and magnified as a security above all law. Addresses from every corporate bo[dy] promised a secure and permanent authority, i[n] servile corporations, who had surrendered [their] leges or suffered them to be violated, [were] ible to collect the latent spirit or the s[ense] he people. BOOK IX. 1685.

His accession was equally secu[re] nd. In Scotland. Among the nobility and gentry, his [resi]dence there had procured many personal friends, and the royalists were attached to his person by the impunity with which they were indulged in the abuse of power; the highlanders, by his attention to their chieftains, and his care to compose the dissensions of their clans. The presbyterians appeared the objects rather of his commiseration than fear. An indemnity was proclaimed on his accession; but an act of ostentatious clemency was disappointed, as usual, by the exception of all above the rank of mechanics or peasants, and the unhappy fugitives were required to surrender within three weeks, and to submit to the oath of allegiance or to perpetual exile. While the oath of allegiance was thus exacted, it is observable that the coronation oath for Scotland was declined by James, as repugnant to the religion which he proposed to introduce; but the omission was em-

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1685. Tyranny continued.

ployed, in a few years, to justify the declaration that he had forfeited the throne [1].

The indemnity afforded no intermission to the murders in the fields; on the contrary, military violence [illegible]nued to increase. The wretched fugitiv[illegible] daily shot; or, if tried by a jury of soldi[illegible] executed, often in clusters, on the hig[illegible] the officers, who should have restr[illegible]ps, were accustomed, with a savag[illegible]istol the prisoners with their own han[illegible]he humanity of government was barb[illegible], and disgraceful to a civilized state. Numbers were transported to Jamaica, Barbadoes, and the North American settlements; but the women were not unfrequently burnt in the cheek, and the ears of the men were lopt off to prevent or to detect their return. The most inhuman injunctions which the council had issued, were implicitly executed. Three women at Wigton, who refused the oath of abjuration, were condemned to be drowned. The youngest, a child of thirteen, was suffered to escape. But her sister, a girl of eighteen, and the other, a woman upwards of sixty, were fastened to stakes beneath the sea mark, that as the tide flowed around them, they might suffer the lingering horrors of a protracted death. The eldest was first suffocated by the rising tide. The youngest was suffered to recover, and after respiring awhile, was persuaded by her relations, to

[1] Wodrow, ii. 471—3. Fount. Mem. MS.

to acknowledge or bless the king; but when they demanded her release, Winram, the officer who attended the execution, on her refusing to sign the abjuration, ordered her to be plunged again into the stream till drowned [a]. BOOK IX. 1685.

A parliament, summoned in the preceding reign, was opened by Queensberry the commissioner, who had engaged to render the government more despotical than ever, on assurance that the protestant religion should be preserved. The king's intentions were signified in the most arbitrary strain, that the estates were assembled, not only to express their duty, but to exhibit an exemplary compliance to others (the English parliament); that his demands were necessary rather for their own security than for the aggrandizement of his prerogative, which he was determined to maintain in its brightest lustre; and as nothing had been left unattempted, by a fanatical band of assassins and traitors, he trusted that no measure would be omitted to suppress their murderous designs. The commissioner and the chancellor, who enlarged successively on the letter, indulged in the most virulent invectives against the fanatics, whom they humanely proposed to extirpate, not as rebels merely to the king, but as inveterate enemies to the human race. They recommended the most unreserved submission, and never perhaps was a parliament assembled more obsequious A parliament. April 28.

[a] Wodrow, ii. 481—5, 6. Appen. 153.

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to the crown. All opposition was removed with the presbyterians, who were excluded by the test. Apparently all sense of freedom was extinguished. The parliament, in a declaration or tender of duty, acknowledged the solid and absolute power with which the first and most fundamental laws of their monarchy, had invested the sovereign; professed their abhorrence of every principle derogatory to his sacred and supreme authority, in which alone their security or their rights consisted; promised a passive or entire obedience without reserve; and as the first fruits of their submissive loyalty, the whole nation, fit for arms, was devoted to his service; the excise was annexed to the crown for ever, and the land-tax was conferred upon the king for life[3].

New treasons and attainders.

In the severe laws against fanatics, the parliament was equally obsequious to his demands. As persecution renders the duty of a witness odious as the task of an informer, the people were generally averse from judicial oaths. The refusal to give evidence against traitors was converted into treason; against other delinquents, into the same crimes of which they were accused; and in the hands of the privy council, the rigors of the inquisition were justly apprehended from this outrageous act. To administer or receive the covenant, to acknowledge its authority, or even to

[3] Wodrow, ii. 453. App. 147. Ralph, 857. Parl. 1685. c 2. 12.

write in its defence were converted into treasons. A ratification was bestowed on every illegal judgment and act; and what shews the iniquitous administration of government and justice, the privy council, the judges and officers, both of the state and army, were indemnified for their acceptable services to the king. Field preachers were already subjected to confiscation and death. The same punishment was extended to preachers in house-conventicles, and to the whole audience in field meetings; a law of which the inhuman rigor may be estimated from the legal definition of these crimes. Domestic worship, attended by five persons in addition to the family, was punishable as a house-conventicle; but if frequented without, at the doors or windows, the latter was reputed a field-conventicle, for which the whole congregation were to suffer death. The test was extended almost to all ranks, under such pecuniary penalties as the council should impose; but the attainder of the late conspirators was an immediate source of revenue to the crown. Sixteen were attainted in their absence; among whom were the earl of Loudon, lord Melvile, Fletcher of Salton, sir Patrick Hume, Dalrymple, Cochran, and other exiles; six were tried at the bar, and among these Campbell of Cesnock submitted, with his son, to the king's pleasure, and, to gratify the rapacious Melfort, was convicted of treason[4].

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[4] Parl. 1685. Burnet, iii. 28.

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Entails authorized.

Amidst the new treasons which the parliament created, and the numerous attainders which it pronounced, an act of an opposite tendency was passed, to authorize the perpetual entail of lands. That the Scots should have remained so long ignorant, or have availed themselves at such a late period, of a feudal institution which other nations were desirous to explode, are circumstances sufficient to excite our attention and surprise. The statute of entails was evaded in England before the Scots had begun to study or to improve their laws; and the early sovereigns of the Stuart family would never have consented to a device adapted to perpetuate a feudal aristocracy, which it was the uniform policy of their house to depress. But the nobility at present were no longer the object of jealousy or fear. The estates were called upon to confirm the sentences of Jerviswood, Argyle, and Porterfield; to ratify the opinions of the court of session, that it was treason not to reveal the demand of contributions for traitors, nor to abjure the treasonable declaration of the fanatics; to approve the practice of the justiciary court, in proceeding to trial and conviction the day after the citation was given; and the nobility were secretly alarmed at the retrospective treasons which they were employed to create. From these they perceived that the declaration of new laws, and of new crimes, was lodged entirely in the breast of the judge; and from the numerous attainders

which they were required to pronounce, they felt with terror that their lives were exposed to the mercy, and their estates to the rapacity of the servants of the crown. To preserve their estates from forfeiture, and their families from ruin, it would appear that they sought an indirect expedient to elude the iniquitous laws and corrupt practices, which they were too dependent to reject or to resist. Entails had already been introduced in a few instances, but were reprobated as repugnant to the genius of the laws. Corruption of blood, which obstructs the course of succession, was a penalty never incurred as the consequence of attainder, unless it were inflicted by an act of *dishabilitation*; and the estates, relying secretly on the maxim, that nothing more could be forfeited than the person attainted was entitled to alienate, passed an act by which lands might be entailed to perpetuity, and the rights of an endless series of heirs be reduced almost to an usufructuary interest during their lives. Under the pretext of securing their estates from alienation or debts, the nobility undoubtedly expected to preserve their families, in the event of an attainder, from the forfeiture of more than the *life-rent* interest or escheat of the heir [5]. The commissioner consented to the act, to perpetuate his own acquisitions to

[5] At the revolution they declared that "Forfeitures in prejudice of vassals, creditors, and heirs of entail, are a great grievance." Articles of Grievance.

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his family; and from the tyranny of James, entails were introduced into Scotland, when the rigor of the feudal system had almost expired. In a commercial country, above a fifth, or a third part of the lands is excluded from commerce; and entails will continue to increase, till the magnitude of the evil requires an extensive redress.

Argyle's descent:

In the mean while, the exiles attainted by parliament had resumed the plan of a descent on Scotland, to which they were stimulated by their private and the public wrongs. Argyle was elected general, and supplied by a rich and zealous widow at Amsterdam, with ten thousand pounds for the purchase of arms [6]. Monmouth, reduced from the most splendid hopes to sudden poverty and despair, was invited, and persuaded by the importunity of his followers, to engage in a premature and desperate enterprise, which his judgment condemned; and Fletcher of Salton, who alone dissuaded the attempt, disdained, where he approved the object, to desert his friends [7]. While Argyle attempted a descent in Scotland, it was concerted that Monmouth should land in the west of England, where his name and person were so extremely popular, that the whole country was

[6] Mrs. Smith, a sugar baker's widow, who had concealed him in London, on his escape from Scotland. Wodrow, ii. 213. 541. Burnet, iii. 18. Lord Grey's Secret History of the Rye-House Plot, 120.

[7] Burnet, iii. 18.

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expected to resort to his standard. Argyle embarked, with his friends, at Vlie, and in order to procure intelligence or pilots, stopt at the Orkneys; but his secretary and surgeon were intercepted, on landing, by Mackenzie the bishop; his expedition was timely disclosed to government; and before his arrival at Lorn, the kingdom was placed in a posture of defence. He erected the fiery cross, which was sent through the highlands, to summon his clan to arms; and issued two declarations, the one addressed to his vassals, recapitulating his personal injuries, the other to the covenanters in the name of his adherents, enumerating pathetically the sufferings of the nation under popery and tyranny united; protesting their stedfast adherence to the covenant, and disclaiming allegiance or subjection to a popish king. But his vassals had been secured on the first notice of his approach; the militia was raised through the whole kingdom; the presbyterians were crushed by oppression, or were restrained by the presence of a military force; and the Cameronians, who renewed their declaration at Sanquhar, scrupled to join his promiscuous associates, the grounds of whose declaration were inconsistent with their own. Two thousand five hundred of his clan were collected; but by a fatal oversight, he lingered in Kintyre to increase his strength, instead of transporting his troops to the Clyde to surprise Dunbarton; to establish a communica-

1685. May 2.

May 17.

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tion with the western fanatics, or to justify the temerity of his enterprise, and confirm the hopes of his followers, by some signal exploit. This ill-fated nobleman was unequal to the situation in which he was placed. His officers disconcerted his plans, and disputed his commands. His shipping, and the military stores which he had deposited in the castle of Ellengreg, were abandoned to some English frigates, and when he descended into Lennox to cross the Clyde, the marquis of Athole, the duke of Gordon, and the earl of Dunbarton, penetrating in every direction through the country, had almost surrounded his diminutive army. His intention to fight was overruled by his officers, and his army, in its march by night towards Glasgow, was misled or betrayed by the guides into a deep morass, where the baggage and horse were lost, and all order and subordination instantly ceased. In the tumult and confusion of a nocturnal retreat, each consulted his own safety, and in the morning not above five hundred of his followers remained. A part escaped at Kilpatrick, across the Clyde, and the rest dispersed. Argyle, in the disguise of a peasant, was overtaken at Paisley by two of the militia, whom his pistols intimidated; but in crossing the Carl at Inchannon, he was attacked and wounded by five others, and exclaimed in falling, alas! unfortunate Argyle! They regretted the situation, and would have concealed the rank of their prisoner, whom they

Taken prisoner, June 18.

durst not release; but Shaw of Greenock, their commander, recognized his features, notwithstanding his disguise and his long beard, which had grown ever since his escape from prison[8]. BOOK IX. 1685.

Never was an illustrious prisoner more ignominiously treated, since the execution of Montrose. The same indignities were prepared for Argyle, from a report that when Montrose was conducted to prison, he had appeared at a window, to feast his eyes with the ungenerous spectacle. He was conducted through the same gate, like the vilest malefactor, with his hands bound and his head bare, preceded by the executioner through the public streets. Tortures were even threatened at his examination, to extort discoveries, but nothing transpired. The privy council deliberated on a new trial; but his enemies were desirous to assert the justice of his former sentence: his friends might entertain a secret hope, that his family would be more easily restored under a new reign, against an attainder so notoriously illegal[9]; and as the king demanded his and executed on his former sentence.

[8] Wodrow, ii. 529—39. App. 152. Ralph, i. 854. Fount. Mem. MS.

[9] Wodrow, ii. 539—41. Lord Hailes ascribes this, on the authority of a family tradition, to Sir George Mackenzie. (Catalogue of Lords of Session, p. 25.) No doubt Sir George, at the revolution, would assume that merit with Argyle's son, when they sat together in the convention parliament. But he was the man who procured, when king's advocate, that illegal sentence on which he now moved for Argyle's execution.

BOOK IX

1685. execution within three days, he was condemned to suffer for his explanation of the test. He retained his fortitude, and even his accustomed mirth, to the last; dined and indulged, as usual, in a short slumber before his execution; and in kneeling to submit his neck to the block, embraced the instrument of death with an allusion to its

June 30. name, as the sweetest maiden he had ever kissed[10]. His misfortunes and death were universally commiserated. He was twice condemned for fictitious crimes; and his execution on his former iniquitous sentence, was regarded as little else than judicial murder. The cruel and vindictive character of James, was marked by the most barbarous medals, struck to commemorate his triumph over an innocent, inoffensive nobleman, whom his own injustice had ruined and reduced to despair[11].

Severities of government,

That Argyle should obtain a pardon, could hardly be expected from the character of James, who, on Monmouth's defeat, had no mercy to extend to his brother's favorite son. In his memoirs, he endeavours to extenuate his own cruelty, and would persuade the world, or himself, that

[10] Wodrow, ii. 541.

[11] On the one medal, the heads of Argyle and Monmouth placed on altars, the bleeding bodies beneath, with an inscription, Sic Aras et Sceptra tuemur; on the other, their heads upon spikes, and the inscription, Ambitio malesuada ruit. Cuningham, i. 62. Pennant's Journey to Scotland, 1772. Echard.

he was released from the ties of affection and blood, inasmuch as Monmouth was neither his nephew nor his brother's son; but the son of Robert, and the nephew of Algernon Sidney, connected both by consanguinity and treason with his inveterate foe [12]. The cruelties of Kirk and Jefferies in the west of England, which will never be forgotten, could hardly exceed what the presbyterians had endured in Scotland for twenty years; but at present, from the dissensions of the ministry, the rigors of government were comparatively mild. As there was no battle, few prisoners were taken in arms. Sir Patrick Hume, and the principal officers who crossed the Clyde, had repulsed the military before they dispersed; but Archer a clergyman, and Rumbold the maltster of Rye, were wounded and executed; Ayloff, another Englishman, was sent to London, nor did his affinity to Clarendon, and the king's children, preserve his life. Cochran, betrayed by his aunt, was redeemed from death by a wealthy father. But the marquis of Athole inflicted cruel ravages on the estates of Argyle; put many gentlemen of his name to death; and, but for a timely application to the privy council, would have executed his son, in the midst of a fever, at his father's gate [13]. The gaols were crowded with prisoners on Argyle's invasion; and many of them, driven northward to

[12] Macpherson's Orig. Pap. i. 76.

[13] Fount. Dec. i. 360—71.

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to Dunnoter castle, were confined in a loathsome, contracted dungeon, where they perished daily, for the want of the common benefits of water and air. Numbers were transported to the plantations; were deprived, as usual, of their ears, and were consumed by diseases during a long voyage. But the government was still intent on forfeitures; and attainders continued to multiply during the whole reign[14].

ruinous to James.

The destruction of Argyle and Monmouth, instead of confirming the authority, first contributed to the ruin of James. The merciless and bloody circuit, or, as unfeelingly styled in his letters, the campaign of Jefferies[15], destroyed the apparent popularity with which his reign had commenced. Elated at the destruction of his enemies, or rather intoxicated with uninterrupted success, he condescended no longer to dissemble his bigotry or his designs. In his speech to the English parliament, he announced abruptly his resolution to maintain a standing army, and to dispense with the penal laws and the tests; and no explanation was necessary to convince the nation that the former was

[14] Fount. Dec. i. 301—8—86—9. Wodrow, ii. 548—57—67—76. Burnet, iii. 24. Hind let loose.

[15] "Lord chief justice is making his campaign in the west." "Lord chief justice has almost done his campaign, he has "already condemned several hundreds, some of whom are "already executed, more are to be, and the others sent to the "plantations." The concise and humane language of a father of his people! James's Letters; Dalrymple's Mem. ii. 53.

intended to establish arbitrary power, and the latter to introduce the catholics into the church and state. The parliament might have acquiesced in the most arbitrary powers which the sovereign could assume; but it was dissolved in anger, as it hesitated to betray the religion, together with the liberties of the nation; and from that moment, while his precipitate violence continued to increase, it is observable that his authority began to decline. His good faith, moderation, and judgment, were universally distrusted; and the attachment of his protestant subjects was dissolved. The tories, the universities, and the church, amidst the dangers with which their religion was threatened, forgot their professions of implicit subjection, and in the attempt to establish the Romish faith, no party, a few catholics excepted, adhered to the king. 1685.

1686. Introduction of popery attempted.

The concessions refused by the English parliament, were expected from Scotland, where proselytes received every encouragement which the king could give. Perth the chancellor, and Melfort his brother, disgusted at Queensberry's arrogance, preferred an accusation which appeared so frivolous or invidious at court, that, to preserve their own places, they embraced the popish faith, and, like true courtiers, ascribed their seasonable conversion to the papers found in the cabinet of the deceased king. According to an observation of Lord Halifax, their faith had made them whole.

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Queensberry, stript of his employments, discovered, when too late, that neither the sums extorted for the treasury, nor the merit of rendering the prerogative absolute, could atone for his want of the true faith. The administration was entrusted to papists only; to Perth, a timorous and cruel—to Melfort, a cruel and rapacious statesman—to the earl of Murray, a convert, admitted to an ostensible share of power. Proselytes were not numerous; but the new-born zeal of the chancellor was indefatigable. Shoals of priests were allured to Scotland. The press was abandoned to their care and diligence; a royal seminary, or college of Jesuits, was erected in the palace, for the gratuitous instruction of youth, and a chapel was prepared for the private, yet offensive, celebration of mass. But the populace, to whom it was ever odious, rose tumultuously on Sunday, defaced the superstitious ornaments provided for the chapel, and compelled the priest who officiated to abjure his religion at his own altar, by accepting the test[16].

Unexpected opposition in parliament.

Murray was appointed commissioner to parliament: to expiate, in the opinion of the catholics, the crimes of his ancestor, by the repeal of those penal laws which the regent Murray, at the reformation, had enacted against papists. But as many circumstances had contributed to excite apprehension and alarm, the compliant temper of

[16] Burnet, iii. 86. Fount. Mem. MS. Dec. i. 899.

parliament was unexpectedly changed. A secret opposition was encouraged by the example of the English parliament. An abhorrence of popery was revived by controversies, in which the learning and eloquence of the protestant divines were successfully displayed; and the revocation of the edict of Nantz produced an indelible impression on the minds of men. The French protestants were dispersed through Europe; their outcries, and the representations of their sufferings, increased the horror entertained at popery, and the arrival of fifty thousand refugees in England, afforded a real argument; and a spectacle of its cruel and persecuting spirit, which it was impossible to resist. Under a prince more intolerant and bigoted than Louis XIV. the episcopal party began to apprehend, that the same persecution which they had inflicted on fanatics, was reserved for themselves; and as the repeal of the penal laws was sufficiently understood, the parliament, of late so devoted to the crown, became equally tenacious of the rights of the established church. When the king's letter was read, and enforced by the commissioner's speech; when, in return for his offer of a free intercourse of trade with England, and an ample indemnity for state offences, he demanded that his innocent and loyal subjects of the catholic persuasion might be restored to the protection of the laws, and released from obligations inconsistent with their faith; the estates replied, in respectful

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yet equivocal terms, that they would proceed as far for the relief of the papists as their conscience would permit[17].

Repeal of the penal laws and the test attempted.

The expression used by James, implied the removal of every disability; and as the offer of a commercial intercourse with England was deemed irresistible, the court party proposed the repeal both of the penal laws, and of the test so adverse to the king's designs. They represented that the penalties attached to the Romish worship, confiscation and corporal punishment for the first offence, banishment for the second, and the pains of treason for the third, were unworthy of a christian or even of a civilized state; that it was a small concession to gratify the king by the repeal of laws too severe and sanguinary ever to be executed; that the exemption of his catholic subjects from the test, was due to those of his own persuasion, from whose loyalty no danger could result to the throne; that the refusal of a just and moderate relief, might provoke the king to inflict an unforeseen and incurable wound; that without the violation of a single law, the protestants might be displaced at once, by the absolute prerogative with which he was invested, and the papists substituted in every department of the church and state; and that as the nation was bound by religion and duty never to resist the

[17] Wodrow, ii. 591. App. 158.

exercise of his divine right, nothing but the merit of an obsequious submission would remain [18].

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The episcopal party, as if awakened from a deep lethargy, discovered in these interminations, the full extent of the despotism which they had concurred to rear. Ashamed of their former unguarded servility, they maintained that their obedience belonged to the king, but their conscience to God; that in the test which James himself had proposed, they had sworn to admit of no alteration injurious, though remotely, to the protestant religion; and that without a violation of their oath, they could never consent to the repeal of the penal laws, enacted as a safeguard for the established church; that as these were never executed, but reserved to deter an active, insidious enemy, intent on its destruction, the sudden outcries against their inhuman rigour must appear peculiarly unreasonable, when capital punishments were multiplied against fanatics in every session; that in these times, when protestants were persecuted and reduced so low abroad, no security should be remitted at home: that when papists remained unmolested, disquieted by none, and

Opposed.

[18] It may seem strange that the bigotry of men should resort for argument to the most pernicious and absurd extremes to which their principles can be pushed. L'Estrange, then employed in Edinburgh to write for the court, had a large share in these arguments.

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deprived of nothing but a public establishment, for what purpose did they demand the repeal, but to grasp at all offices of emolument, authority, and trust; to invade each department in the state; to propagate their worship with impunity through the church; and in due time, when their strength was confirmed, and when their designs were mature for execution, to supplant the protestant religion, and to re-establish their own [19]?

and refused.

The attempt to introduce popery was too direct, and too gross to succeed. But the parliament was studiously protracted, and every allurement was offered, every intimidation was employed, to obtain its consent. Ross, the primate, and Paterson, bishop of Edinburgh, endeavoured to procure the concurrence of the prelates, but an honourable opposition was maintained by Atkins, the venerable bishop of Galloway; by Cairncross, archbishop of Glasgow, and Bruce of Dunkeld, who were both displaced. Lord Pitmedin, the only judge who opposed the repeal, was removed from the bench, and Mackenzie, the king's advocate, was dismissed for Dalrymple. Lockhart, the president, proposed a limited toleration; the duke of Hamilton, a general indulgence to presbyterians and papists; but the commissioners of shires and burrows, who adhered together, continued, without a leader among the nobility, firm and united in their opposition to the court. The

[19] Fount. Mem. Wodrow, ii. App. 118.

indulgence of popish worship in private families, was the last attempt; but the commissioner, after a violent debate, despaired of a concession which the king despised. The protestants, conscious of their strength, and disgusted at a long session, threatened to impeach the bishop of Edinburgh, or to ratify the penal laws; and the parliament, which had granted nothing to ministry but gifts of forfeitures, was adjourned, and soon after dissolved by the king[20]. BOOK IX. 1686. June 15.

The application to parliament, according to the principles, and indeed the language of James, was a gracious offer to accept of its dutiful and submissive consent to his demands. His prerogative was fully equal, at least in his own opinion, to the repeal or suspension of the penal laws, which the estates had refused. The dispensing powers, which he prepared to assert in England, might be exercised in Scotland, where they were least likely to be disputed; but he used the precaution to purge the council of eleven members, the earls of Mar, Dumfries, Glencairn, and others, who had opposed his designs in parliament, and to substitute some popish lords in their stead. His pleasure was then signified to the obsequious board; that his protection should be extended to all catholics, against the severity of the laws which the judges and magistrates were forbidden to execute; that free exercise of the popish religion should be i[illegible] Dispensing powers. Sept. 14.

[20] Wodrow, ii. 594. App. 160. Fount. Me[illegible]

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in private; and that his chapel should be fitted up, and provided with chaplains for its public celebration. The privy council assented to every demand which the parliament had refused; acquiesced in the pleasure of an absolute monarch, accountable to God alone for his conduct; but the answer was the less acceptable, as the members hesitated to pronounce the prerogative a legal security for the indulgence which they prepared to grant. At the same time the royal burrows were deprived of their privileges, and the annual elections of magistrates were suppressed. The provost was named by the king; the magistrates and common council were appointed by the provost, and thus, the election of members to serve in parliament was transferred to the crown. As the same measures were pursued in England, it appears that James was not indifferent to the sanction of parliament, which he affected to despise [21].

Declaration of indulgence.

The indulgence to papists was proclaimed in terms of religious toleration, to interest the presbyterians in the repeal of the penal laws and of the test. The servile declarations of the parliament were faithfully transcribed; but the disguise assumed by James was too thin to deceive. From the sovereign authority, royal prerogative, and absolute power, with which the king was invested, and which his subjects were all bound, without reservation, to obey, he conferred on moderate

[21] Fount. Dec. i. 421. Wodrow, ii. 599.

presbyterians and quakers a limited toleration in private houses; but dispensed indiscriminately with the severe laws against Roman catholics, and repealed whatsoever prohibitions or penalties they might incur. He permitted the free exercise of their religion in chapels, and the enjoyment of all offices and benefices to be hereafter conferred. He released them from every restriction but these: not to preach in the open fields; not to invade the protestant churches by force; nor to make public processions through the principal streets. He annulled the preceding oaths of supremacy, and the tests; and substituted a new oath of allegiance, not only to renounce the right of resistance, but to maintain the full exercise of his absolute power. And he declared, for the encouragement of the protestant clergy, "that he would use no force, "nor invincible necessity, against any man on ac- "count of his persuasion, or the protestant reli- "gion:" neither would he deprive the present possessors of the lands appropriated formerly to the church[22]. Such an arbitrary declaration, approved by none but the obsequious council, was calculated to excite universal discontent. The dispensing powers of prerogative were converted into the repeal of old, and into the creation of new laws, to which obedience was demanded, without reservation of the religion or moral obligations of mankind. A new oath was imposed,

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[22] Wodrow, ii. 515. App. 186. Ralph, i. 943.

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not as formerly of passive obedience, but for the active support of this absolute power. Even the promise to use no force, nor invincible necessity, on account of religion, nor to revoke the church lands from lay proprietors, intimated, not obscurely, that a change of religion was intended and already begun, and implied a sanguine expectation, that it would soon be complete[23].

Its effects in Scotland.

The declaration was received by the episcopal party with such undissembled rage, that their clergy were unable, either in discourse or in the pulpits, to suppress their discontent. That absolute power which they had laboured to create, was employed for their destruction. The government which they had sought to monopolize, was open to the catholics, and almost equally accessible to the presbyterians, their inveterate foes. Afraid to lose the invidious acquisitions which they had long possessed, they anticipated, and their apprehensions already beheld the return and increase of the fanatics, whom they had subdued or dispersed. Nor was the indulgence acceptable to the presbyterians, who were neither released from the laws, nor from a new oath to which they refused to submit. A second indulgence to dispense with the oath, was accepted by none. A third indulgence was issued; and from the same supreme and absolute authority, the laws against non-conformity, so severe and sanguinary, were indiscriminately

[23] Burnet, iii. 136.

repealed. The presbyterians scrupled no longer to embrace the benefit of toleration; but in their addresses to the throne, no approbation was bestowed on the repeal of the penal laws; and no solicitation could procure their assent to that insidious design. Their injuries were too recent and deep to be forgotten; nor could the most credulous believe that the author of their late persecution was sincere. They availed themselves of the obvious intention of James to disunite the protestants; and their clergy, secretly devoted to the prince of Orange, returned from the continent to accept the indulgence, as a happy expedient to restore and reunite their sect[24]. BOOK IX. 1687.

The indulgence, a prelude to a similar declaration in England, admonished all parties there, of the despotism which was to be expected from the dispensing powers. Amidst the advances which an infatuated monarch had already made, and the violence with which he impelled the nation towards the Romish see, a fictitious trial had been brought, and by displacing some, or corrupting others, he procured from the twelve judges a confirmation of his prerogative to dispense with the tests. The alarm which an illegal judgment for the crown never fails to excite, was augmented by a declaration of indulgence, which, though it was more moderate than in Scotland, and thouh Transactions in England.

[24] Burnet, iii. 138. Earl of Balcarras's Memoirs, p. 7. Wodrow, ii. 624.

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it asserted neither the plenitude of absolute power, nor of unreserved obedience, expressed, in suspending the penal laws, an earnest wish that the nation were reconciled to the catholic church; and in addition to the free exercise of religion, suppressed indefinitely every oath or test that might exclude a part of his subjects from the service of their king. If, at first, the dissenters, from the bitterness of their past sufferings, were gratified with an unexpected, delusive toleration, the discontent of the nation was confirmed by a series of illegal attacks on the established church. The court of high commission was revived, under the auspices of the infamous Jefferies; and the bishop of London was the first object of its unjust persecution. The privileges of every corporation were invaded, to displace those who adhered to the penal laws and the test. The two universities were successively assailed, in order to introduce the Jesuits, whose superior reputation and industry might engross the education of youth, and the management of the richest foundations in Europe. Although a successful resistance was maintained by Cambridge, Oxford at least was expected to adhere to the passive doctrines of its own decrees. But the fellows of Magdalen college refused to elect as their president, a papist whom the king recommended with a dispensation from their oaths; and on their persisting in the choice of another, they were arbitrarily ejected by

the ecclesiastical commission, deprived of their fellowships, and declared incapable of ecclesiastical preferment. It is dangerous to violate the privileges of a corporation, much more of an university, whose interest, supported by the union of its members, and espoused with warmth by its former disciples, is diffused through the church and through the community at large. The fellows were dispossessed of their freeholds, and the most unalienable property was no longer safe from the dispensing powers. The church was exposed to the same usurpation; its dignities were equally open, and its benefices would be soon transferred by the same dispensation, to Romish priests: but if the seats of learning, by the expulsion of its present members, were once filled with papists, the national religion would be poisoned in its source. From the ungrateful bigotry of James, the attachment of the church of England, the last support of the Stuarts, was thus dissolved, and in the hour of danger, its numerous adherents, who had prevented his exclusion, resorted to those principles of liberty and of resistance which they had so loudly disclaimed.

Trial of the seven bishops. June 9.

The imprisonment and, the trial of the seven bishops, were the last measures of infatuation that remained. When a second indulgence was issued, and ordained to be read in church, the bishops petitioned against an order which was calculated to reduce the clergy, on their compliance, to the

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contempt and reproach of becoming accessary to their own destruction; or to subject the disobedient to the penalties recently inflicted by the high commission. The whole nation was agitated at the imprisonment of the fathers of the church. Tears and groans, and the prayers of an immense concourse of people, attended them to prison. June 15. The same violent agitation was excited by their trial; but their acquittal resounded through the capital, and was received with tumultuous joy by the whole kingdom, as a religious and even a national triumph over the sovereign. From the public ferment, which was not likely to subside, that dangerous crisis, to which despotism and bigotry conducted James, had at length arrived.

Expectations from the prince of Orange.

The eyes and the expectations of men had been long fixed on his nephew, the prince of Orange, whose marriage with his eldest daughter, the princess Mary, had opened a near prospect of obtaining the crown. Religion, as well as interest, had connected William with the popular party, as alike adverse to the ambition of France, and desirous of a protestant successor to the English throne[25]. The discontented of both nations found a secure asylum in Holland, and an honourable or a secret reception at his court; and his connexion with every party was preserved and enlarged by their correspondence with their friends.

[25] D'Avaux, 1681. Macpherson's Orig. Pap. i. 116.

His interposition had been early solicited[26], to preserve the liberties and religion of England, but while his succession continued open, he was averse from a public interference, for which, as yet, there was no pretext. His ambassadors, Dykevelt and Zuliestein, were employed successively in the most secret and extensive intrigues. They negociated with the church party, the dissenters, the whigs; established a correspondence with the principal nobility, and returned with the warmest assurances of their attachment and support. A pretext for his interference was soon obtained. Stewart, whom James had been induced to pardon and recall, was employed in a correspondence with the pensionary Fagel, to solicit the assent of the princess and prince of Orange, to the repeal of the penal laws and the test. The pensionary's answer was dispersed through England; that from the principles of universal toleration, they would concur in the removal of the penal laws, but could never consent to the repeal of the tests, the only secure bulwark which the nation had provided for the protestant faith[27]. It was received as a public

[26] Burnet, iii. 119.

[27] James, and his historian Macpherson would persuade us that nothing more than a toleration was intended for papists. Why then did he not acquiesce in a repeal of the penal laws, to which the prince would have assented? The repeal of the tests, in which he was inflexible, could have no object but to throw the government into the hands of the papists, to effect a change of religion.

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declaration, confirming their private assurances of toleration to the dissenters, and protection to the established church; and the protestants, animated by this discovery of their sentiments, were inspired with an unbounded confidence in the prince.

An extensive confederacy in England.

While the chance of a protestant succession remained, the prince was averse from a premature rupture, and the nation was desirous to await the natural course of events. But the birth of a son, during the ferment excited by the imprisonment of the bishops, consoled James himself with the prospect of a catholic heir, and at the same time accelerated every preparation for his ruin. The most injurious surmises had been entertained of the queen's conception; and from some mysterious circumstances, the report of a suppositious child, however improbable at present, was eagerly propagated and implicitly believed. Under the alarm excited by the prospect of an hereditary, religious despotism, the invitation of the prince of Orange was no longer deferred. The whigs, who had urged the exclusion, were indifferent to the hereditary line of succession, from which the tories, who had no view beyond a parliament, were unwilling to deviate. But as every political and religious party had laid aside their animosities during the common danger, a secret conspiracy was formed by their coalition; the most extensive perhaps, and the best concerted which history has

preserved. Many noblemen and gentlemen of distinction resorted to Holland, whither immense sums were transmitted to the prince[28]; but the greater number remained dispersed through England, to diffuse the conspiracy; and in consequence of the league of Augsburgh, to circumscribe the aggrandizement of France, almost all the continental princes were concerned in its success. The secret, though entrusted to many thousands[29], transpired only from the preparations of the prince of Orange, which were far advanced before James was apprized of his hostile designs. Although his declaration announced that he was invited over by divers of the temporal and spiritual lords, the king was unable to discover the lines of conspiracy with which he was surrounded at home. The declaration issued on the embarkation of the prince, enumerated the grievances of the three kingdoms; the suspicious birth of the prince of Wales; and the necessity of interposing to establish the religion and liberties of the people on a secure foundation[30]. Terrified at the approaching

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[28] D'Avaux. [29] Burnet, iii. 217. Dalrymple's Mem.

[30] The declaration for England was drawn by Fagel, and translated and abridged by Burnet. Tradition has ascribed it to Stewart, to whom, according to Dalrymple, Dykevelt applied in London. Dykevelt was there in March and May 1687, but the declaration was evidently not drawn till autumn 1688. Instead of being penned, it was probably answered in a series of animadversions by Stewart. Ralph, i. 1033. So uncertain is tradition.

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invasion from abroad, and at the contempt and hatred which he had incurred at home, the king endeavoured, when too late, to retract his former illegal measures; but when the Dutch fleet was dispersed, and driven back by a storm to Holland, his confidence in the protection of heaven revived. The expedition was renewed in a few days. While the English fleet was confined to its station, off Harwich, the prince, with six hundred transports and ships of war, passed with an east wind through the Straits of Dover, in the presence of wondering multitudes, who gazed from each coast at the sublime spectacle[31]; and disembarking at Torbay, on the fifth of November, he afforded a signal proof to the nation, that its navy will not always prevent an invasion, nor a standing army ensure stability to the throne.

Prince lands in England.

Confederacy and cabals in Scotland.

Scotland, to which we now return, had been timely apprised of the intended invasion. The troops had been summoned to England, and replaced by the militia and undisciplined highlanders, with which the privy council, whose authority depended on the presence of the army, reluctantly complied. The inclinations of all parties were examined. Some of the episcopal clergy had ceased to pray for the prince of Wales; but the loyalty of their party was soon restored, and the bishops concurred in a pious and convivial address to James, as the darling of heaven, that God might

[31] Boyer's Life of William.

give him the hearts of his subjects and the necks of his enemies [32]. But the presbyterians refused, in the most explicit terms, to support the government. Their clergy who had returned from Holland, and the exiles who accompanied the prince of Orange, had already prepared them to expect his arrival; and although it is uncertain how far the confederacy extended through Scotland, some of the chief nobility participated in his designs. Argyle was invited and escaped to Holland; lord Cardross returned from America to join the prince. Drumlanrig, the duke of Queensberry's son, introduced his countrymen into the confederacy in England, and the earls of Anandale, Glencairn, Crawford, Dundonald, Tarras, lords Ross and Bargenny, and many gentlemen of the first rank, were engaged in Scotland. No sooner had the army passed the borders, than they resorted from all parts of the country to Edinburgh; and the privy council, whose authority sunk in proportion to its former violence, was forced to connive at their secret cabals. The Cameronians were dispersed in small parties along the borders; and as few dispatches escaped their vigilance, the privy council was deprived of all intelligence or instructions from court. When the arrival of the prince of Orange was discovered, their perplexity was increased by the most contradictory reports. His declaration for Scotland was received with avidity;

[32] Skinner, ii. 514.

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and was proclaimed at Irvine, Air, and Glasgow, while the authority of the privy council was almost dissolved. As their confidential messenger had carried their dispatches to the prince's camp, a committee was appointed to repair to court, but before its arrival there, the revolution was accomplished in both kingdoms [33].

Progress of the revolution in England.

For a few days the prince of Orange was joined by no one; but when the first example had been given, the extent of the confederacy was announced by a rapid and universal defection from the king. The gentlemen of Somerset and Devonshire hastened to the prince, on advancing to Exeter, and entered eagerly into an association for his support. The earl of Bath admitted his fleet into Plymouth. The earl of Devonshire, and the gentlemen of Derby and Nottingham, declared for the prince and for a free parliament. Lord Delamer took arms in Cheshire; and in the northern counties, lord Danby and his associates surprised Newcastle, York, and Hull. The same spirit of defection had extended to the army. Cornbury, the earl of Clarendon's son [34], was among the first to desert; but when a petition for a free parliament, signed by nineteen peers and prelates, was

[33] Balcarras' Mem.

[34] Oh. God! says Clarendon in his Diary, that my son should be a rebel! A few days afterwards he follows his son, or, in his own words, turns rebel himself. Clar. Diary, 15 Nov.

evaded by James, he was followed by Churchill, Kirk, Trelauny, Drumlanrig, the dukes of Ormond and Grafton, prince George of Denmark the king's son-in-law, while a greater number of inferior officers refused to fight against the prince of Orange. The king, who had arrived at Salisbury to give battle to the prince, was overwhelmed with misfortunes. All England appeared in commotion. The capital was full of discontent: the very fleet declared for a free parliament; and surrounded, as he believed, by a disaffected army, he knew not in whom to confide. He withdrew his army, and retired to London; but when informed of his daughter the princess Anne's escape, "God help me," cried the unhappy monarch, with tears of anguish, "my own children have "deserted me." Every new disaster increased his perturbation. He summoned a council of peers; issued writs for a new parliament; dispatched commissioners to propose a treaty; but as the prince, amidst the acclamations of all ranks, continued to advance, he was bereft of all fortitude and strength of mind. His conduct was irresolute, pusillanimous, absurd; and unable to submit to necessity, yet incapable of a single effort of generous despair, he sunk, without dignity, beneath his misfortunes. He consulted only with his queen, who was affrighted at a parliamentary impeachment; and with his priests, who chose rather to exhibit their proselyte as an exile to

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Europe, than to abandon him upon a throne. His father's execution was still present to his desponding thoughts; and he listened credulously to every suggestion of personal danger, without reflecting either on the difference of the characters or of the times. His terrors were flattered as the result of political wisdom, and he was easily persuaded that his departure would produce a scene of anarchy, which would eventually facilitate the recovery of absolute power. The queen and his son were conveyed secretly to France. His own departure was determined by the prince of Orange's demands, which, however imperious, were requisite for the settlement and security of the nation, and if accepted by James, might still have preserved his descendants on the throne. His hopes were absurdly placed on the public confusion; to increase which, he recalled and burnt the writs for a new parliament; directed Feversham to disband the army; threw the great seal into the Thames; and with a single attendant, embarked at midnight in a small vessel for France. When his flight was discovered next day, an event beyond the expectation of his enemies, completed the consternation and despair of his friends. The populace began to plunder the chapels and houses of papists; but their excesses were soon restrained by the peers and prelates residing in London, who assembled in council to resume the government, and invited the prince of Orange to provide

for the safety of the state. When the king was intercepted at Feversham, and conducted back to Whitehall, the returning affections of the city might have convinced him that the nation was not yet lost. In this delicate extremity he attempted to resume his authority by an indiscreet proclamation against the late excesses [35]; but he was required at midnight to remove from the palace, and was permitted to return to Rochester, with an obvious design to connive at his escape. He was convinced himself that his departure would prove acceptable to the prince; and the few friends who adhered to his fortunes in adversity, urged him to remain. But the despair of life returned. An expression of his father's was remembered; that short is the distance between the prison and the grave of kings; and by the desertion of his kingdom which he was destined never to revisit, he left his rival an unbloody victory, and a vacant throne [36].

James deserts the kingdom. Dec. 23.

The revolution was accomplished in Scotland with the same ease and success. Athol, lord privy seal and president of the council, was married to the earl of Derby's daughter, who was allied to the house of Orange by her mother, (a descendant of the family of Tremouille in France;) and his personal animosity to Perth, the chancellor, instigated by lord Tarbet and sir John Dalrymple, contributed to strengthen his connection with the prince.

Revolution in Scotland.

[35] Echard. Ralph.

[36] Macpherson's Orig. Pap. i. 160.

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When the desertion and retreat of the king's forces were reported, Tarbet artfully proposed in council to disband the militia as neither necessary, nor legally kept embodied in peace; and the weak and timid chancellor consented, fearful of offence, and unconscious of their designs. But the forces were no sooner reduced to a few troops for the collection of the revenue, than Athol and his friends represented that it was unsafe to sit longer in council with the chancellor and other papists, incapacitated by law. Destitute of military support, the chancellor was easily intimidated, or persuaded by his friends to abandon a city in which the populace had already risen and proclaimed a reward Dec. 10. for his head [37]. When the king's forces were partly disbanded, a panic terror had spread through England in a single night, that the Irish soldiers had begun an indiscriminate massacre of protestants; and as the beacons, drums, and bells, communicated the imaginary approach of danger, the people fancied that they heard the distant groans of the dying, and beheld the smoke of the distant villages consumed with flames. From the same reports diffused through Scotland, it appears that a political alarm was widely propagated, to unite and to exasperate the protestants against the state. While the drums beat to arms, and the inhabitants issued, in consternation, from their houses, a report was spread that the papists had

[37] Balcarras' Mem.

entered Edinburgh, which would be burnt that night. The people rushed to the palace, but were repulsed, and numbers were killed and wounded, by the fire of a company of soldiers, whom the chancellor had left for its defence. The principal citizens, and the leading presbyterians who had repaired to town, joined the populace whom they had incited to the attack. A warrant was procured from Athol and his friends, and intimated by heralds, for the surrender of the palace; and with the assistance of the train-bands, they broke in, and overpowered the military, some of whom were massacred by the popular rage and revenge. The printing-house, the library, chapel, and schools of the Jesuits were demolished or burnt. The abbey church, recently prepared for the new order of the thistle, was defaced; its ornaments and images were consigned to the flames; and the chancellor's lodgings were plundered by the populace, who continued for some days to search and pillage the houses of papists[38]. A similar report was productive of the same disorders in the west. On a sudden rumour, universally credited, that the Irish had landed, and after burning Kirkudbright, had advanced to Hamilton, six thousand presbyterians appeared in arms. Disappointed of a foreign enemy, they dispersed in small parties, to disarm and dislodge their domes

[38] Dalcarras's Mem. Wodrow, ii. 649. Hist. Revol. in Scotland, p. 24.

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tic foes. On Christmas day, the episcopal clergy were assailed and dragged from their pulpits or altars; they were conducted through their parishes in mock procession; stript of their gowns, and expelled by force, or were permitted peaceably to depart, on a solemn assurance never to return. Two hundred clergymen of the epicopal persuasion, were thus ejected; and as the same violence prevailed for some weeks through the rest of Scotland, the revolution was almost equally complete in the church and in the state [39]. The conduct of the presbyterians was strictly regulated by the expulsion of their own clergy, after the restoration. But when we survey the persecutions which they had endured, and the blood with which the episcopal church was cemented, instead of blaming their severity, we are rather surprised and pleased that those fierce Cameronians, stigmatized, and pursued by the late government as assassins, abstained from a massacre of the established clergy.

Clergy expelled.

Resort of all parties to London.

When the presbyterians obtained possession of the capital, the administration devolved on the marquis of Athol and his friends. The duke of Gordon, with a mutinous garrison, retained the castle for James. But the declaration of the prince of Orange was universally received; and the earl of Perth, intercepted in embarking for France, was committed

[39] Acts of the United Societies in the West; Wodrow's MSS. Skinner, ii. 517. Somers's Tracts, vi. 133.

close prisoner to Stirling castle. An acknowledgment and an offer of service to the prince, for the deliverance of the nation, was proposed in council; but from the opposition of the episcopal party, a short and general address was the utmost that could be obtained. But a conflux of all ranks and of every persuasion, resorted to London; the nobility, to demonstrate their respect for the prince, or to receive secret instructions from the late king; the presbyterians, to embrace and consult their friends, who had returned from exile, on the measures necessary to be concerted for their success; and the episcopal party, to prevent the ruin of their church, and to preserve some share of their invidious power. They were followed by Athol: and the prelates and subordinate officers of state, who remained in council, assumed the administration, if on the dissolution of government it can deserve that name [40].

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At the request of the peers, and of such of the commons as sat in parliament under Charles II. the prince had summoned a convention in England; and assumed the intermediate direction of affairs. Whatever form of government the convention might establish, little stability could be expected, unless the same, or a similar government were adopted in Scotland; the situation of which, at the present conjuncture, was peculiarly important. The adherents of James were nume-

Their address to the prince.

[40] Balcarras' Mem. Hist. Revol.

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rous. If his authority were still recognized in Scotland, the vicinity and the opposition of a warlike nation would impede or endanger the new settlement; and his presence there might invite the English to return to their recent allegiance to the Stuarts. But in this perplexing situation, it reflects the purest lustre on William, that he recurred to no expedient except the free choice and consent of the people. He assembled the nobility and gentry attending in London, and representing concisely the object of his expedition, requested their advice on the most proper expedient to restore and to secure their liberties, their religion, and laws. The duke of Hamilton was elected president; a boisterous yet temporizing statesman, who had maintained an open, or, more frequently, a secret opposition during the preceding reigns; and according to the policy ascribed to the Scottish nobility, his son, lord Arran, accompanied James in his barge to Rochester, while the father attended the prince at St. James's. From the disorders and the mutinous situation of Scotland, he intimated that the government should be lodged with the prince, till a convention were assembled; but an unexpected motion was made by Arran, to invite the king to return and call a parliament, as the best expedient to secure their liberties and the protestant faith. Many of the king's adherents were present; Balcarras, treasurer, Claverhouse, whom he had created viscount Dundee;

but the motion was reprobated as derogatory to the prince's honour, and was supported by none. An address was signed and presented by thirty noblemen and eighty gentlemen, requesting the prince of Orange to assume the government, and to summon a convention of estates; and the irregular application of a few noblemen and gentlemen beyond the realm, was justified by the unreserved obedience with which his authority was received[41]. The convention of estates was appointed to meet, at their request, on the fourteenth of March, that the settlement of England might first be completed; and the convention of that kingdom declared that James had abdicated the government, and proceeded to place the prince and princess of Orange, as joint sovereigns, on the vacant throne.

1689. Jan. 10.

Convention of estates.

In England the revolution was accomplished by a coalition of whig and tory; but in Scotland, where the same distinctions prevailed under different names, the episcopal party, deprived of their former despotical power, persevered in their attachment to the exiled king. Whether to attend or to decline an illegal convention, which it was their interest to embarrass, perplexed and divided their measures, till secret instructions were received from James to secure an ascendancy in the convention of estates. Had the convention been

[41] Balcarras's Mem. Hist. Revol. 40. Balcarras's State Tracts.

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returned like the late parliament, or chosen as the boroughs were afterwards modelled, their influence must have predominated in every election; and the presbyterians, even in counties, would have been excluded by the test. But Dalrymple, the late president, had artfully provided, in the address to William, that none but papists should be excluded from their legal vote, and that the election should be conducted in boroughs by a poll of freemen, from which it is to be regretted that they have since departed. The elections were transferred to the presbyterians, whose active zeal was supported by the people; but their adversaries relied on a majority of the nobility and on the whole bishops; the castle of Edinburgh remained in their hands, to dislodge the convention; and the viscount Dundee introduced into the town a troop of threescore horse, which had deserted and returned from his regiment in England. The Cameronians were summoned to town to counteract these designs; and the convention assumed the threatening aspect of a Polish diet [42].

March 14. Presbyterians prevail.

The choice of a president was the first question decisive of their strength. The duke of Hamilton was supported by the presbyterians, the marquis of Athol by the episcopal party, with whom, disappointed in his expectations from William, he

[42] Balcarras. General Mackay's Memoirs, MS. Adv. Lib.

had renewed his intrigues. Parties were so nearly balanced, that the former was chosen by a majority of fifteen[43]; but their success was decisive, and on the next question the whigs obtained an accession of twenty votes. A committee for disputed elections was appointed, in order to increase the majority by their partial reports; but the demand of the bishops to name a proportion of the committee from the spiritual, as a distinct estate from the temporal peers, was disregarded without a vote; a sure presage of their approaching downfall. The security of the convention was next consulted. The duke of Gordon, who had consented, but, by the influence of Dundee and Balcarras, refused next day to resign the castle, was proclaimed a traitor to the estates. His reluctance to fire on the city, disappointed every plan to disperse the convention. A pretext was therefore sought to withdraw to Stirling, and to hold a separate convention, by a commission from James. On the report of a design to assassinate Dundee and sir George Mackenzie[44], the removal of all

BOOK IX. 1689.

[43] Minutes of Convention, MS. Ibid.

[44] Historians have supposed that Dundee was seriously afraid of assassination, and that the parliament refused to listen to the evidence which he offered. But it appears that his only witness was examined, who declared that two men had threatened, in his house, to use Dundee and Mackenzie as they had been used themselves. (Minutes of Convention, MS.) As the men were not named, and as Mackenzie continued to attend the convention, it is obvious that Dundee

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strangers from town was required; and the refusal of this demand, before the castle had surrendered, was the signal to retire. But the fears of the marquis of Athol recurred, while Dundee, alike indignant at his friends and enemies, was impatient of delay. He issued with his horse from the city, and, on a signal from the castle, halted to confer with the duke at the foot of the walls. The spectators were mistaken for his adherents, and when it was reported to the convention that his numbers were still increasing, the result apprehended from this remarkable interview, was, that the castle would begin to fire during an attack upon the town. But the president exclaimed, that there was more danger within the convention: the doors were secured, and the keys produced upon the table; and while the drums beat to arms, the Cameronians emerged from the caverns and cellars, where they had lain concealed. The episcopal party enclosed in the convention, and surrounded without by enemies, were apprehensive of a massacre, till the tumult subsided; and when released, on Dundee's departure for Stirling, they yielded to the terrors which their adversaries sought to inspire. The marquis of

March 18. Dundee retires to Stirling.

affected an alarm. "That he went wherever the spirit of "Montrose should direct him," is a modern fiction, exceeded only by another, that his heroism was caught from the recitation of Ossian's Poems! Dalrymple's Memoirs, ii. 305. and part 2d. 73.

Athol was intimidated; the earl of Mar was arrested on the road; and the rest, disappointed of a refuge in his fortress, abandoned all thoughts of a convention at Stirling[45].

Next day the militia was ordered to be levied and placed in secure hands. A regiment of eight hundred Cameronians was raised within two hours; three hundred highlanders were armed by Argyle, who had assumed his seat before the attainder of his family was reversed. The convention was at length secured by the arrival of three regiments of Scots, who had been employed in the Dutch service, and had attended William to England, under the command of Mackay[46]. In these transactions, the superior policy of the presbyterians is no less conspicuous than the misconduct of their opponents, whose measures, at all times violent, betrayed the despair and folly of a disheartened faction, deprived of power. The fire of the castle could neither expel the convention from town[47], nor a separate convention at Stirling interrupt its debates. But the presence of a numerous opposition would embarrass its proceedings; and a forcible appeal to the dormant loyalty and passions of men, might obstruct the settlement of the

Adherents of James abandon the convention.

[45] Balcarras. Minutes of Convention, MS.

[46] Id. Mackay's Memoirs, MS.

[47] See in Robertson's Hist. a parliament held by Lennox in the Canongate, notwithstanding Kirkcaldy's endeavours from the castle to dislodge the members, ii. 20.

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crown in a different line. It was the policy of the presbyterians to procure unanimity, and to prevent an immediate recourse to arms, which the imprisonment or expulsion of their adversaries could not fail to produce. But the terror and threats of imprisonment were more efficacious; and when the convention adjourned, after Dundee's retreat, some returned to their homes in despair, others deserted to the prevailing party; and when summoned next day to attend their duty, few remained to incur the obloquy and the danger of an unavailing opposition.

Proceedings of the convention,

When relieved from opposition, the measures of the convention were vigorous, and almost unanimous. Two letters had been presented, from William and from James; but the first was preferred. Before the other was permitted to be read, a resolution was adopted, and signed even by the adherents of James, that nothing contained therein should annul or impede the deliberations of the estates. But the arrogance and bigotry of the letter were so unsuitable to his situation; and the name of Melfort, with which it was countersigned, appeared so odious to the convention, that his friends had forborne to propose an answer, and his messenger was dismissed from prison with

March 19.

silent contempt. The convention returned a grateful answer to William, acknowledging their deliverance, and approving the address on which he had assumed the temporary administration of the

state. But the presbyterians wisely evaded his proposal of an union with England, as a complicated measure productive of dangerous animosities, which might disappoint their hopes of an ecclesiastical establishment; and the convention proceeded to a plan, prepared by a committee, for the settlement of the crown [48]. March 27.

contrasted with those of the English convention.

The deliberations had degenerated in the English convention into verbal disputes between the two houses, whether the late king had deserted, or abdicated the vacant throne. In Scotland there was neither the same necessity to gratify the tories, nor the same propriety in declaring that the king had abdicated the government, by the desertion of a country wherein he did not reside. But the opposite genius of the two nations was never more conspicuous than in the result of their deliberations on that important event. From the close of the fourteenth century, when the Plantagenets were dethroned, England, during the various dynasties of Lancaster, York, Tudor, and Stuart, had never witnessed above three generations of the same family succeeding, without interruption, to the throne. But a nation peculiarly averse from innovation, was still tenacious of hereditary right. The convention, to deviate the least from an order of succession so frequently inverted, declared that James II. having endeavoured to subvert the constitution, by breaking the original contract be-

[48] Balcarras.

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tween the king and people, and having violated the fundamental laws, and withdrawn from the kingdom, had *abdicated* the government, and that the throne was thereby vacant. A voluntary desertion and a virtual renunciation, both of the government and of the realm, were meant to be implied in this ambiguous expression, in order to open the succession to the next protestant heir. But the abdication of government was irreconcileable with the premises, as it was neither applicable to his abuse of power, nor to his departure from the kingdom, which was certainly more from constraint than choice. The Scots had acknowledged eleven successive generations of the house of Stuart; and their loyalty was cherished by the belief of a long and fabulous race of an hundred and eleven kings. Instead of attempting, however, by an ambiguous fiction, to reconcile hereditary right with a change in the succession, they placed the vacancy of the throne on its true basis, the religion and mal-administration of James. The same oppression which the English had apprehended while yet distant, they had long endured. Their loyal attachment to the Stuarts, which survived the civil wars, had been effaced by their sufferings since the restoration. From the same national ardor which rendered the reformation so complete, or so destructive in Scotland, they proposed a bold and decisive vote, that James had forfeited the crown by his misconduct and

crimes. A feeble opposition was maintained by his few friends who remained in the convention. Paterson, archbishop of Glasgow, and sir George Mackenzie, asserted the exploded doctrine of divine right, or maintained with more plausibility, that every illegal measure of his government was vindicated by the declaration of the late parliament, that he was an absolute monarch, entitled to unreserved obedience and accountable to none. Sir James Montgomery, and sir John Dalrymple, who conducted the debate on the opposite side, averred that the parliament was neither competent to grant, nor the king to acquire, an absolute power, irreconcileable with the reciprocal obligations due to the people[49]. The illegal measures of the reign were reduced to fifteen articles, on the recapitulation of which the estates declared "that "James VII. being a professed papist, did assume "the royal power, and acted as king, without ever "taking the oath required by law; and had, by "the advice of evil and wicked counsellors, in- "vaded the fundamental constitution of the king- "dom, and altered it from a legal, limited mo- "narchy to an arbitrary, despotic power; and "hath exerted the same to the subversion of the "protestant religion, and the violation of the laws "and liberties of the kingdom; whereby he hath "*forfaulted* his right to the crown, and the throne

Forfeiture of the crown.

[49] Balcarras. Life of William, iii. 51. Vindication of the Convention. State Tracts, temp. Gul.

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"has become vacant." According to the legal import of the vote, the whole issue of James was excluded from the crown; but the forfeiture, as explained by a subsequent resolution, was limited to the persons and to the future children of the late king, and his pretended son [50].

Settlement of the crown,

When the throne was declared vacant, the convention resolved that the crown should be tendered to William and Mary, as joint sovereigns; and that it should descend, on the failure of their issue, to the princess Anne and her heirs.

and declaration of rights.

But the fifteen articles of misconduct in James, were first digested into an instrument of government, and a declaration and claim of rights. More comprehensive still than the English declaration, it extended to almost every abuse of the two preceding reigns. It asserted that no papist, according to the laws of the kingdom, could ascend the throne; that all proclamations assuming an absolute power to suspend or dispense with the laws, were illegal; that the measures employed to establish popery, that the imposing of bonds or oaths, and exacting money without authority of parliament, were contrary to law; that it was illegal to invest the officers of the army with judicial powers; to inflict death without trial, jury, or record; to exact exorbitant fines or bail; to imprison without expressing the reason, or to delay the trial; to prosecute and procure the for-

[50] Minutes of Convention, MS.

feiture of persons upon stretches of old and obsolete laws, upon frivolous pretexts or defective proofs, especially the late earl of Argyle to the reproach of justice; to nominate the magistrates and common council of boroughs; to dictate the proceedings of courts of justice; to employ torture without evidence in ordinary crimes, or to oblige the subjects to accuse or to swear against themselves; to garrison private houses, and to introduce an hostile army into the country, to live at free quarters in profound peace. The two memorable opinions of the fifteen judges were declared illegal; that it was treason to conceal the demand of money for traitors; and that persons refusing to discover their private sentiments respecting the treasonable doctrines or actions of others, were guilty of treason. Prelacy and precedence in ecclesiastical office, as repugnant, ever since the reformation, to the genius of a nation reformed by presbyters, were declared an insupportable grievance which ought to be abolished. The rights of appeal to parliament, and of petition to the throne, were unconditionally asserted; frequent parliaments were demanded, and these articles the estates asserted and challenged as their undoubted rights, against which no declaration nor precedent should operate to the prejudice of the people; but whatsoever forfeitures or punishments were otherwise inflicted, should be revised and redressed. A separate list of grievances was

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framed, in order to be redressed in parliament; the most remarkable of which were the committee of articles, the act of supremacy, the manner and measure of the popular representation; and in the removal of every injury which the constitution had sustained, the Scots were apparently desirous that nothing should be left unadjusted between the people and the king.

New sovereigns proclaimed. April 11.

The new sovereigns were crowned in London, and proclaimed in Scotland on the same day. Argyle, Montgomery, and sir John Dalrymple, were deputed from the three temporal estates to present the crown, and to administer the oath to the king and queen. The instrument of government and the grievances were first read; to which an address, to turn the convention into a parliament, was subjoined. When the coronation oath was administered to William, he paused at the obligation to root out heretics, and declared that he did not mean to become a persecutor; and, on the assurance of the commissioners that such was not its import, protested that in that sense only he received the oath[51]. The insidious toleration attempted by James had excited universal disgust; but the unaffected scruples of William were honoured and approved.

May 11.

Exclusion of the Stuarts necessary.

Thus the hereditary reign of the Stuarts, in the male line, was concluded eighty-six years after their departure from Scotland. Their accession

[51] Life of William. Hist. Rev. in Scotland.

to the English crown was the era of their grandeur; an event that contributed neither to their felicity, nor perhaps to the improvement of their native, hereditary kingdom. The contracted abilities of James VI. were better adapted to the government of a small state, than of divided kingdoms; but the prospect of his elevation to the throne of England, inspired a weak mind with ideas of absolute power unknown to his ancestors, to which we must primarily attribute the execution of his son, the expulsion of his grandson, and the exclusion of his male posterity for ever from the crown. Had his reign been confined to Scotland, the presence of the sovereign, and the natural progress of society, were sufficient perhaps to have introduced subordination and the arts of peace; nor with a limited authority would he have ventured, so fatally for his posterity, to invade the established religion and liberties of the nation. If the Stuarts had continued to reign in Scotland alone, the attachment of the nation to an ancient family, without a rival in dignity, and without a competitor for power, might have still preserved their descendants on the throne. But the loyalty of the nation was diminished by their absence. The immense influence acquired at the accession, was employed to crush the independence of the estates; and although they recovered and enlarged their authority during the civil wars, a jealous and cruel tyranny was introduced

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at the restoration; aggravated by all the vexatious insolence of delegated power. To England the revolution was a glorious event, useful rather than absolutely necessary; for if the late king had remained, its religion and liberties, under a regency, might have been secured by proper limitations on the throne. The loyalty of the English was gratified, while the adherents of James were insensibly mollified, by the accession of his daughters; and the nation was gradually reconciled and prepared to adopt a more complete change in the line of succession. To this circumstance must be ascribed the apparent defects in its declaration of rights, which neither asserts the choice that was actually made of a new race, nor secures the frequency and independence of parliament against the influence of the crown. But the revolution was absolutely necessary to restore tranquillity to Scotland, and to revive the confidence of the people in government; without which the king unavoidably degenerates into a tyrant, and his subjects vibrate alternately between rebels and slaves. So various and so enormous was the tyranny which I have attempted, imperfectly, to delineate, that the people never could have dismissed their suspicion and resentment, nor the government the terrors which it felt, and sought to inspire; the uniform principle of despotism, for which we may truly affirm that there was no cure but the expulsion of the Stuarts.

THE

HISTORY

OF

SCOTLAND.

BOOK X.

Convention turned into a parliament.—Insurrection.—Dundee's Victory and Death.—Montgomery's Plots. Redress of grievances, and Presbytery restored.—Massacre of Glencoe.—Settlement of Darien.—National distress and despair.—Death of James.—Death and character of William.

BOOK X.

1689. New administration.

IT was difficult, in the choice of an administration, to gratify the unreasonable expectations of claimants, and to provide for the security of the new reign. The episcopal party had few pretensions: from their refusal of the oaths to government, they soon acquired the appellation of nonjurors; and of Jacobites, from their stedfast attachment to James. The presbyterians who began the revolution, assumed superior merit with the king; but the exiles who returned from Holland, enjoyed a larger share of his confidence and esteem. Lord Melville, with inferior talents, was appointed

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sole secretary, in preference to Montgomery, whose mind was estranged from the new government by disgust and neglect. The duke of Hamilton was appointed high commissioner, the earl of Crawford president of parliament; but as the chief offices of state, the treasury and the seals, were reserved to be put in commission, the former was disappointed of the distribution of places among his children and friends. By a choice less fortunate, as it was productive of general discontent, Dalrymple created viscount Stair, was restored to the presidency of the court of session, on the assassination of Lockhart, by one who conceived himself injured by an unjust award. Sir John Dalrymple, his son, was appointed king's advocate; and though they were both presbyterians, they were unacceptable and odious to that party from their compliance with the times. Their abilities were confessedly great and transcendant; but the father had abetted the iniquitous administration of Lauderdale; the son, as king's advocate in the late reign, had revived the persecutions for the insurrection at Bothwell; and from a general dislike of the confidence unguardedly reposed in men whose characters were by no means pure, their advice was suspected of creating a separation of interests between the people and the king. But the confidence of William was soon transferred to Carstairs, his chaplain, who studied, like the earl of Nottingham in England, to pre-

possess his master against the surrender of a single branch of his prerogative, as the more dangerous, and necessary to be resisted, where he was raised by popular consent to the throne [1]. BOOK X. 1689.

In the transactions of civil society, the example of Cortes, when he resigned his commission from Velasquez to a council of his own appointment, from whom he received another in the name of his sovereign, has been frequently transcribed. By the royal assent to an act of convention, the estates who declared William king, were inversely converted into a parliament by the same powers which they had previously conferred. Necessity was supposed, in each kingdom, to supersede the vain consideration of forms. While the nation was threatened with an invasion by James, who had landed in Ireland, and with a civil war by Dundee, who retired to the highlands, neither the convention could be safely dissolved, nor another parliament freely elected. But it is observable, that representatives are ever more desirous to perpetuate their authority than to return to their constituents; and when the convention was once converted into a parliament, its authority was prolonged during the whole reign. Convention turned into a parliament. June 5.

When the redress of grievances was taken into consideration, a sudden opposition was created between the parliament and the king. The latter, Opposition.

[1] Balcarras, 64. Burnet, iv. 34. Fount. Dec. Carstairs' State Papers, p. 42.

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though not adverse to the regulation of the lords of articles, proposed that they should be freely elected and monthly renewed by their respective estates; agreed that whatever motions they rejected might be revived in parliament; but required that the officers of state should be conjoined to facilitate business, or to preserve some share of a negative before debate. But the parliament, jealous of their influence or encroachments, was inflexible in demanding their removal from the articles. Their introduction into that committee was originally an usurpation, no less than the official seats which they had acquired in parliament; and the loudest resentment was excited at the king's refusal, or reluctance, to redress entirely the first grievance of which the nation complained [2].

William, indifferent to forms of worship if toleration were established, would have concurred in preserving prelacy, if the episcopal party had contributed to his support [3]. But as presbytery was the condition on which he was admitted to the throne, an act was passed to abolish prelacy and pre-eminence in ecclesiastical office. His commissioner was instructed to repeal the extensive

[2] State Tracts, Temp. Gul. iii. 466. Burnet, iv. 35. Hist. of the Rev. 150. Minutes of Parlt. MS.

[3] Keith's Catalogue of Scottish Bishops, 43. Burnet, iv. 33.

supremacy which Charles had acquired[4]; but he scrupled to abrogate the rights of patronage, which he considered as the only expedient to infuse a mild or more tolerant spirit into the presbyterian church. The parliament persisted in the repeal of patronage; and though episcopacy was abolished, presbyterian government, from their mutual opposition, remained unestablished. BOOK X. 1689.

From the same desire to restrain intolerance, he refused his assent to an act for the incapacitation of such as opposed the revolution, or concurred in the illegal measures of the two preceding reigns. Proscription from office, if ever justifiable, was justified by the recent government of Scotland. But the king adopted a generous and wise resolution, to exclude no party from his service, or from the hopes of preferment, and to reduce no description of men to despair.

The nomination of the whole judges was challenged, in order to exclude Stair the president from the court of session. It was admitted that a single vacancy might be supplied by prerogative; but it was affirmed that the court, on a total vacancy produced by the revolution, must be renewed, as at first created, by the authority of par-

[4] See his instructions, State Tracts, iii. 460. "to establish that form of ecclesiastical government most agreeable to the people." As the parliament was prorogued before the acts were passed, Montgomery represented, in the Address and Vindication, that they were refused by William.

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liament, and that the choice of a president belonged to the judges themselves. An act was introduced, as in the reign of Charles I. declaring that the judges named by the crown should be examined, approved or rejected by the estates; but as the demand exceeded the commissioner's instructions, the parliament was adjourned amidst such a general ferment, that the judges assumed their seats under the protection of the troops[5].

Aug. 2.

While the parliament was thus agitated by the presbyterians, a civil war was excited, and in the moment of victory, was almost extinguished in the north. With a new name it is not unfrequent to acquire a new and more honourable character in society; and the cruelties of Graham of Claverhouse are forgotten in the last splendid exploits of the viscount Dundee. The same ardent and inflexible spirit that rendered him barbarous and inexorable towards the covenanters, was adapted to the most daring and extensive designs. As an officer, he was able, intrepid, and experienced; of a sound and cultivated understanding; endued with many personal virtues; parsimonious and severe by nature; generous and indulgent from policy; well acquainted with the dispositions and temper of others, and possessed

Character and exploits of Dundee.

[5] Hist. Revol. 168—86. Address and Vindication of the Scottish Parliament. State Tracts, Temp. Gul. vol. iii. Lord Stair's Vindication. Burnet, iv. 105. Ralph, ii. 105.

of an entire command over his own[6]. Ambitious to equal the renown as well as the cruelty of Montrose, to whom he was related, he delighted in those vigorous and enterprizing councils, in the execution of which he was best qualified to excel. When James had withdrawn to Rochester, he concurred with a few friends to dissuade his departure; undertook to collect ten thousand of his disbanded soldiers; and offered to march through England with his standard at their head, and to drive the Dutch forces with their prince before him[7]. Had he been entrusted, instead of Feversham, with the command of the army, little doubt can be entertained that, though he might have failed to fulfil those magnificent promises, the revolution at least would never have been accomplished without immense bloodshed. When he retired from the convention, the fears and the expectations of each party were fixed on his designs. His intentions were discovered by intercepted letters from Melfort, who promised speedy assistance from Ireland; proposed to support the war from the forfeiture of those lords whom they had marked for destruction, and threatened literally to reduce their enemies to hewers of wood and drawers of water. The letters, published in both kingdoms, announced the cruelties to be expected

BOOK X. 1689.

[6] Balcarras' Mem.

[7] Macpherson's Orig. Papers, i. 299.

BOOK X. 1669.

on the return of James[8]. Balcarras and his friends were secured; but Dundee retired into the highlands from Mackay's pursuit, with an intention to summon the clans to arms.

Begins a civil war.

At Inverness he found the Macdonalds of Keppoch, who had availed themselves of the disorders of the times to invest the town. On his obligation for its ransom, they engaged in his service; but they returned to secure their plunder in Lochaber, where he summoned a general rendezvous of the clans. Descending in the mean while, with his horse, to Perth, he surprised some troops, and levied contributions to the very gates of Dundee. It was not difficult, on his return, to excite the highlanders to arms, whose warlike genius was stimulated by the memory of their atchievements under Montrose; and by the apprehension that Argyle would soon be restored to his jurisdictions and estate. The Macleans and Macdonalds had suffered as the vassals or the enemies of that powerful family; the Camerons had obtained large grants of its possessions; and as the highlanders were peculiarly favoured by James, a general confederacy was formed among the clans[9]. Seventeen hundred men were assembled by Dundee; they were armed with their paternal swords, but

[8] The authenticity of these letters, though denied by the Jacobites, is admitted by Balcarras. They correspond with Melfort's letter, found on Dundee's body after his death.

[9] Mackay's Mem. 210—38. MS. Adv. Lib.

were unprovided with artillery, ammunition, provisions, or pay. By interposing between Mackay and a reinforcement which Ramsay conducted through Badenoch, he obliged the latter to retreat to Perth, and on the surrender of Ruthven castle, pursued the former along the course of the Spey. The fidelity of the Scottish dragoons was seduced; a regiment originally raised for the service of James. Their treachery was timely discovered; and Mackay, returning with reinforcements, endeavoured in vain to outstrip the speed of the highlanders on their native hills. But the highlanders, loaded with plunder, deserted in such numbers, that Dundee retired into the wilds of Lochaber, and dismissed his army till the succours which he expected from Ireland should arrive; and in this situation, the mortifying intelligence of the surrender of Edinburgh castle, would have overwhelmed a mind less vigorous than his own with despair[10]. June 13.

Encounters Mackay.

On the arrival of three hundred recruits from Ireland, he summoned the highlanders again to arms. The castle of Blair was defended against lord Murray, son of the marquis of Athol, by one of his father's vassals, whom Dundee hastened to relieve, and Mackay to reduce. The place was equally important, whether to restrain Dundee to the remote highlands, or to secure his access to

[10] Dundee's Mem. Macpherson's Orig. Papers, i. 355—66 Balcarras, 60.

BOOK X. 1689.

Athol, Perth, and Angus, where his party were numerous; but on his approach to Blair, the Atholmen, with a loyalty unexampled among the highlanders, deserted their chieftain, and filling their bonnets with water, drank to the health of king James, and abandoned the pass of Killycranky, which they were employed to guard [11]. When importuned by his officers to pre-occupy and to defend the pass, he convinced them that if Mackay were permitted to enter, and were attacked before the arrival of his cavalry, a fairer opportunity for victory would never be obtained. Mackay, an officer equally brave and pious, but diffident, averse from bloodshed, and better fitted to execute than command, had advanced with three thousand foot and two troops of horse, from Dunkeld. On emerging from the defile, he discovered the enemy advancing from Blair; and he arranged his troops as they arrived, along a narrow field, where there was not room sufficient to form a reserve. Dundee, whose forces exceeded two thousand five hundred men, arranged them on an opposite eminence, according to their clans, with the hills behind to secure a retreat. For some hours they continued to regard each other, exchanging some distant shots, while the

[11] Dalrymple ascribes this revolt to lord Lovat's management, on the authority of his manuscript Memoirs. His Memoirs have been since published, but they contain no allusion whatever to the fact.

commanders omitted nothing to encourage their respective troops. Dundee recommended to their valour the defence of their country, their religion, and their king. Mackay represented the justice of the protestant cause, and the impossibility of a retreat through a long and narrow pass, overlooked by mountains overgrown with wood, and overhanging a steep precipice, with a river beneath [12].

BOOK X. 1689.

Within an hour of sunset the signal was given by Dundee, and the highlanders descended in thick and separate columns to the attack. They suffered considerably from the enemy's fire, but till within a few paces they reserved their own. After a single, desultory discharge, they rushed forward with the sword, before the regulars, whose bayonets were then inserted within the musket, could be prepared to receive or to resist their furious attack. The weight of their columns pierced through the thin and straggling line, where Mackay commanded in person; and their ponderous swords completed the rout. Within a few minutes the victors and the vanquished, intermixed together in the field, in the pursuit, and in the river, disappeared from view. Mackay alone, when deserted by his horse and surrounded, forced his way to the right wing, where two regiments had maintained their ground. While

Battle of Killycranky. June 17.

[12] Mackay's Memoirs, MS. 306—12—28. Burnet, iv. 38. Macpherson's Orig. Papers, i. 369—72.

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the enemy were intent on plundering the baggage, he conducted them in silence and in obscurity, across the river beneath the defile, and continued his flight for two days through the mountains to Stirling; less afraid of the highlanders, who were oppressed with booty, than of the pursuit of Dundee, at the head of his horse[13].

Death and victory of Dundee.

But Dundee, whose pursuit he dreaded, was himself no more. After a desperate and successful charge on the artillery[14], which he seized with his horse, he returned to restore the battle on the left, and to renew the attack against the two regiments that remained entire. At that moment, while his arm was extended to his troops, and while his person was conspicuous to the enemy, he received a shot in his side, through an opening in his armour, and dropt from horseback as he rode off the field. He survived to write a concise and dignified account of his victory to James. With the loss of nine hundred of his men, two thousand

[13] Macpherson's Orig. Papers, i. 369—72. Balcarras. Mackay's Memoirs, 327—43. Dalrymple, on the authority of Mackay's manuscript, informs us that Mackay, on ascending the first eminence, and perceiving that there was no pursuit, said to those around him, that he was sure the enemy had lost their general. Dalrymple's Memoirs, ii. 89. Mackay, who escaped in the dusk, expressly declares that he was apprehensive of Dundee's pursuit, whom he knew not to have been killed. MS. Memoirs. Adv. Lib. p. 340.

[14] Three pieces of light leathern artillery, probably preserved since the civil war. Id. 326.

of the enemy were killed or taken; and but for his untimely fate, not a man would have escaped. Had he survived to improve this distinguished victory, little doubt can be entertained that he would have recovered the whole of Scotland beyond the Forth. His party were prepared to take arms on the borders, and his progress southwards might have arrested William's attention and arms, till James was firmly established in Ireland. But his death was fatal to his party; and among the papers found on his body, a letter from Melfort, intimating that the indemnity was couched in such terms as might be broken or revoked by the king at pleasure, excited deep disgust at the insincerity of James[15]. A rude stone was erected on the spot, to mark his victory to future times. His memory was long lamented by his party, and his name is still celebrated in their poetry, as the last of the Scots[16].

BOOK X. 1689.

On the first report of the defeat, while Dundee was daily expected to advance, the consternation was extreme. Government proposed to abandon the north, and confine its forces to the defence of the Forth. Such unworthy counsels were rejected by Mackay, who returned within a few days after his defeat, and by a seasonable enterprise, surprised a detachment of the highlanders at Perth.

His army dispersed.

[15] Macpherson's Orig Pap. i. 370—2. Balcarras.

[16] See Pitcairn's Epitaph on Dundee, which Dryden has not disdained to translate.

BOOK X. 1639. The command of their army had devolved on Cannon, an Irish officer unacceptable to the clans; who knew not how to improve the victory which their valour had obtained. With an army increased to four thousand men, he continued to coast along the Grampians, followed by Mackay; the one afraid to descend from the mountains, and the other to quit, with his cavalry, the advantage of the open plains. Returning by a secret march to Dunkeld, he surrounded the regiment of Cameronians, whose destruction appeared so inevitable, that they were abandoned by a party of horse to their fate. But the Cameronians, notwithstanding the loss of Cleland their gallant commander, defended themselves amidst some slight enclosures against the whole army, with such desperate enthusiasm, that the highlanders, discouraged by the repulse, and incapable of persevering fortitude, dispersed and returned to their homes; nor did they resume their arms till the succeeding year [17].

August 21.

Montgomery's plots.

The sudden decline of a formidable insurrection gave no intermission to the violence of factious discontent. From the abrupt and frequent prorogations of parliament, the exiles who returned from Holland were apprehensive that there was no design to restore their forfeited estates. Even when episcopacy was utterly abolished, the presby-

[17] Mackay's Mem. 319—64. Balcarras. Macpherson's Orig. Pap i. 371.

terians in general were impatient of delay, and from the refusal to redress entirely their grievances, were suspicious of William's intentions to re-establish their church. Their discontent was fomented by the intrigues and revenge of the disappointed Montgomery. Under the designation of the club or country party, a regular opposition was already formed against the court. Notwithstanding the recess of parliament, a majority of the members were persuaded to concur in a remonstrance, enumerating the grievances of which redress was denied; and upbraiding William, in terms of affected respect, with his choice of ministers from among their former oppressors. The proceedings of parliament were vindicated by Montgomery and Ferguson the plotter, with the accustomed bitterness and asperity of Ferguson's pen [18]. The remonstrance was presented by Montgomery, Annandale, and Ross; but the leaders of the country party were received with such marked displeasure, and the vindication was productive of such visible offence, that they despaired of regaining the confidence or favour of the king. Revolutions are ever productive of fresh conspiracies; and when the mind is once released from habitual obedience, not only the adherents of the old, but the disappointed candidates under the new government are impatient for a change. The advantages denied by the one, may be acquired from the other; and

BOOK X. 1689.

October 15.

[18] State Tracts, Tem. Gul. vol. iii.

BOOK X. 1690.

from the success of a great example, the perils of a conspiracy have become familiar to their minds. Before the new government has acquired stability and strength, they imagine that the old may be restored with the same facility, and by the same means, with which it was subverted. In these circumstances it is not surprising that the restless Montgomery was the first to conspire against the revolution which he had contributed to produce. Ferguson's motives were probably those of a secret republican, who had acquired an habitual delight in plots, and was actuated rather by an aversion to monarchy than by an attachment to James. The earl of Annandale and lord Ross, who had also promoted the revolution, were persuaded by Montgomery that the honours and preferment from which they were excluded by the ingratitude of William, might be obtained by returning to the allegiance due to their lawful king. Their connexions with his partizans in England are imperfectly known; but their plots, as far as they have been discovered, were visionary and absurd. Montgomery, a violent fanatic, proposed to establish presbytery, by persuading the parliament to declare for James; and for that purpose projected a coalition between the Jacobites and the presbyterians; in order to disband the army by the refusal of supplies, and by resolving the parliament again into a convention, to restore their ancient government and king. A correspondence

was opened with James; and concessions which cost him nothing, were easily obtained. He agreed to a general indemnity and settlement of the presbytery in its most rigid form; appointed Annandale commissioner to the present parliament, created Ross and Montgomery earls, and the latter secretary of state for Scotland [19].

and coalition with the Jacobites,

Such fantastic plots might embarrass, but could never overturn a government; and the Jacobites easily discerned that to recall the late king, in a parliamentary manner, and without arms, was a measure too extravagant to succeed. But if William were once constrained, by the refusal of supplies, to disband the army, and to dissolve the parliament in consequence of its extravagant demands, they considered justly that the kingdom might be easily recovered by an insurrection of the highlanders, aided by a timely descent from Ireland [20]. Their whole party were invited and urged to return to their seats, and the disgraceful scene that succeeded, when the parliament was resumed, marks how forcibly the influence of faction may control the moral, and religious principles of the human mind. The oaths to government merely professed, as in England, to be faithful, and to bear true allegiance to William and Mary, without an acknowledgment of their lawful

[19] Balcarras. Annandale's Confession in Dalrymple's Memoirs, iii. 54.

[20] Balcarras, 85.

BOOK X. 1690. title or right to the crown. To relieve the scruples of the conscientious, a distinction between a king *de facto* and a king *de jure* was thus humanely introduced; but there were few Jacobites who hesitated, by the grossest equivocation, to accept the oaths to the government which they meant to overturn, and to swear allegiance to William, whom they had conspired to dethrone. Their designs were carefully concealed from the presbyterians[21], whom Montgomery persuaded that nothing more was intended than to strengthen their interest in parliament against Melville and Stair. But the most violent measures were proposed to render the presbyterians irreconcileable to William, from an assurance that he would never yield to their exorbitant demands.

dissolved, As the duke of Hamilton, whose son was deeply engaged in the plot, had been found untractable, lord Melville was appointed commissioner to the parliament, which at first assumed a lowering and

[21] Balcarras, 85. Balcarras affirms, that among the presbyterians the plot was confined expressly to Annandale, Ross, Montgomery, and Ogilvie, afterwards lord Seafield. Some historians have imagined, and James himself believed, that Argyle and other presbyterian lords were privy to the plot. Macpherson's Orig. Pap. i. 234. 399. Argyle was also suspected by William. Dalrymple, iii. 212. But he was active during the plot in securing Strahan, a messenger from James, and like the other presbyterians, he engaged only in the opposition, and was probably ignorant of the plot itself. Hist. Revolution, 212.

discontented aspect. Alarmed at the return and coalition of the disaffected members with the presbyterians, he solicited additional powers; and in one article ventured to exceed his instructions. When the act of supremacy was repealed, the presbyterians began to confide in his sincerity, and to distrust the intercourse of their leaders with the Jacobites, whom they deserted daily in almost every vote[22]. The few Jacobites who refused the oaths had disappointed their party of a majority in parliament. On the return of a messenger from James, they discovered that all honours and emoluments under the future government were engrossed by their associates, whose wild and fantastics plots they therefore abandoned in disgust. Nothing had been procured for Arran but an indemnity to his father: no forces had been solicited from Ireland to suppress their enemies if the parliament were dissolved; and at that critical conjuncture, the seasonable defeat of the highlanders extinguished any rational hopes of success. On the arrival of Buchan with officers and supplies from Ireland, they had resumed their arms; but they were surprised on descending into Strathmore, and dispersed by Livingston; and the present Fort William was built by Mackay, to restrain their incursions[23].

When deserted by both parties, the three ori-

[22] Annandale's Confession; Dalrymple, iii. 57.

[23] Balcarras, 89. 98.

BOOK X.

ginal conspirators, conscious and mutually suspicious of perfidy, hastened to anticipate each other by the earliest discoveries of their own plots. Lord Ross gave the first intimation to the queen. From a latent principle of honour, he refused to become an evidence against his associates, and was committed to the tower. Montgomery, when informed of his departure for court, disclosed the whole correspondence to Melville. Unwilling or unable to name his confederates in England, he despaired of a full pardon; and after some years spent in constant plots, he expired in exile of vexation and grief. Ferguson, an experienced plotter, was too wary to be convicted, even when betrayed by Annandale, whom he had secreted in London; but Nevile Pain, who had been employed as an agent from England, endured the question twice with a constancy disgraceful to Annandale the informer; and from the public indignation which it excited, he was the last man who suffered the torture in Scotland. But the humanity of William was desirous rather to prevent than to punish their designs; and there are few examples in history of a plot so extensive, detected and suppressed without a single execution[24].

1690. and disclosed to government.

Redress of grievances.

As the hopes of the conspirators were placed on the refusal of every popular demand, the redress of grievances became the more necessary to dissi-

[24] Balcarras, 89. 93. Burnet, iv. 91. Annandale's Confession; Dalrymple.

pate the plot [25]. The right of parliament was acknowledged, to appoint committees at pleasure, of an equal number from each estate. The officers of state were admitted to sit and deliberate, but without a vote; and instead of the domineering articles, which were abolished for ever, separate committees were appointed, for supplies, elections, forfeitures, and the government of the church. 1. Twenty-eight monthly assessments were granted; amounting to a land-tax of an hundred and sixty-eight thousand pounds, to be levied in five years. The sixth penny of interest was voted for a year; but it was converted afterwards into a tax on hearths, at a time when hearth-money was abolished in England at king William's request. 2. When the grievance respecting the manner and measure of representation was considered, a salutary addition of twenty-six members was made to the counties, in order to counterbalance the recent increase of the peerage. 3. The iniquitous sentences of Jerviswood, Argyle, and others, were reversed according to the claim of rights, and their heirs restored to their honours and estates. Forfeitures and fines incurred since the insurrection at Pentland were repealed; by a single act, upwards of four hundred attainted persons were restored by name; and the numerous sufferers under the late reigns were ordered to be indemnified by such as had obtained lucrative gifts of

[25] Id. iii. 201.

BOOK X.

1690. Presbytery restored.

their estates or fines. 4. When the act of supremacy was repealed, the presbyterian ministers ejected by the prelates, were restored to their livings, and with such as they had admitted, or might thereafter admit, were invested with the full and exclusive government of the national church. A general assembly was appointed, for the expulsion of those episcopal clergymen whose doctrines were erroneous, or whose example was scandalous. The Wesminster confession of faith was confirmed, as the test and standard of orthodoxy and of persecution; but the curse of excommunication was divested of every civil or penal effect. The severe and sanguinary laws against conventicles, the tests, and in general the oppressive acts of the preceding reigns, were repealed; but by a new assurance to government, the distinction between a king *de jure* and a king *de facto* was abjured. The covenants were judiciously overlooked or forgotten; but as the rights of patronage were abrogated, the presbyterian form of government was established in its full extent [26].

Abrogation of patronage.

The clergy ejected at the restoration, of whom not above threescore survived, were inclined to moderation from experience and age. But the ministers whom they had admitted were violent, and often illiterate preachers, ordained in secret, during the persecuting triumph of prelacy, against which they were inspired with the most vindictive

[26] Minutes of Parl. MS.

zeal[27]. Neither the preservation of their order and authority, nor their sour and illiberal temper, exasperated by thirty years of persecution, nor their sudden sense of independence, after subsisting hitherto on the voluntary, though precarious oblations of the faithful, permitted them to listen to the moderation recommended by William, or to retain such of the episcopal clergy as might submit to their discipline and confession of faith. In their presbyteries, and in the general assembly, they proceeded with the most indecent violence, and often on the most frivolous pretexts, to exclude the episcopal incumbents from the circumscribed and narrow pale of an orthodox church[28]. From their indiscreet and intolerant bigotry, the king began to repent of his concessions. Such was the peculiar infelicity of his reign, that every concession to the presbyterians alarmed and awakened the jealous clamours of the English church; every concession in Scotland to the episcopal dissenters, offended the presbyterians; and each suspected that he was indifferent or secretly adverse to their established sect. But he complained with reason, that his commissioner had exceeded his instructions in abolishing patronage, which was properly no innovation upon the constitution of the Scottish church. From the beginning of the reformation it had subsisted as a right, though protested against as a grievance, till the death of

BOOK X. 1690.

[27] Burnet, iv. 42. 92. [28] Skinner, ii. 562.

BOOK X. 1690.

Charles I. when the choice of the ministers was first transferred to the congregation, and their admission to the presbytery, on a popular election or call. This privilege was restored at present with some reservation. The rights of patronage were purchased by the parishes at an inconsiderable rate, and the ministers proposed by the elders and landholders were approved or rejected by the congregation at large. Their dissent was reviewed by the presbytery, and as the elders were ever more numerous than the landlords, the influence of the clergy never failed to determine the election. But the clergy were not relieved from the necessity of low flattery and unbecoming compliance; on the contrary, their influence over the people induced them to cultivate the most popular arts: grace and zeal were invariably preferred to moderation and learning; and to determine the choice of a fanatical people, it was necessary that the clergy should become fanatics themselves. Their fanaticism reacted on each other; while the king was deprived of the influence of the patrons to prevent the expulsion of the episcopal, and to restrain or temper the intolerance of the presbyterian clergy [29].

But the satisfaction with which the re-establishment of presbytery, and the redress of grievances inspired the people; the security derived from the detection of the plot, and the praise of clemency due to government, were effaced by a barbarous

[29] Burnet, iv. 89. Carstairs, 45. Parl. 1690. ch. 23.

transaction, not inferior to the worst event in the preceding reigns. BOOK X.

On William's departure for Ireland, to dispossess James of his last kingdom, a plan for the security of Scotland was suggested to persuade the highlanders to submit to government, by sums of money distributed among the clans. The arrival of Buchan, and the expectations entertained from Montgomery's plots, had prevented its success. The episcopal lords who repaired to court on the king's return, to implore a pardon, endeavoured to extenuate their concern in the plot, by their apprehensions from the presbyterians; promised to support the established government if protected from the fury of Melville's party; and engaged to appease the disorders of the highlands, if the remainder of their clergy were preserved from expulsion. Although nothing could be more insincere than their promises, the earl of Melville was gently displaced with his friends. Sir John Dalrymple, the master of Stair, was appointed secretary; the earl of Tweedale chancellor; the earl of Lothian commissioner to the assembly, which was soon dissolved; and by a political mistake that disgusted the presbyterians, some of the late plotters were admitted into administration, while they continued secretly devoted to James. The earl of Breadalbane, whose influence was extensive in the highlands, was entrusted with twelve thousand pounds to reconcile the chieftains, or rather to

1690. Pacification of the highlands attempted.

BOOK X. 1691.

purchase a cessation of arms. That insidious and interested nobleman, void of attachment either to James or to William, employed his emissaries to persuade the clans that to submit to government, till a fairer opportunity should occur to resume their arms, was the most acceptable service which they could perform to the court of St. Germains [30]. Suspicious however that he meant to appropriate the money to himself, the highlanders rose in their demands, and betrayed his advice to government; but it was discovered that they sought permission themselves from James to capitulate, with a design to resume their arms at his command. A severe proclamation was therefore issued in August. They were required to submit to government, and to receive the oaths and a free pardon before the first of January; and to enforce the penalty of military execution, a winter campaign was projected through the highlands. A plan suggested by Breadalbane, was adopted by the cruel policy of Dalrymple; to extirpate every clan in Lochaber that refused, or neglected to submit on the day prescribed. When the day approached, the chieftains, intimidated or apprised of their danger, hastened to disarm the resentment of government by their timely submission. Buchan's and Dundee's officers were permitted to capitulate, and were transported to France, where they were re-

[30] Burnet, iv. 107—26. Macky's Characters and Mem. Lond. 1733.

duced to a company of private soldiers; and from the indigence and the hardships sustained during their gallant services in Catalonia and Alsace, few of these unhappy exiles survived to revisit their native country [31]. BOOK X. 1691.

The last man to submit to government was Macdonald of Glenco. Towards the end of December he applied to the governor of Fort William, who refused, as not being a civil magistrate, to administer the oaths; but dispatched him in haste, with an earnest recommendation to the sheriff of Argyle. From the snows and other interruptions which he met with on the road, the day prescribed for submission had elapsed, before he reached Inverary, the county town. The benefit of the indemnity was strictly forfeited; the sheriff was moved, however, by his tears and entreaties, to receive his oath of allegiance, and to certify the unavoidable cause of his delay. But his oath was industriously suppressed, by the advice particularly of Stair the president; the certificate was erased from the list presented to the privy council; and it appears that an extensive combination was formed for his destruction. The earl of Breadalbane, whose lands he had plundered, and whose temporizing advice he had betrayed to government, was inured to the most atrocious massacres by the execution of letters of fire and Military execution concerted. 1692.

[31] Memoirs of Dundee's Officers in France. Carstairs, 137—140. Dalrymple, iii. 210. Ralph, ii. 331.

BOOK X. 1692.

sword against the earl of Caithness, whose estate and titles he had formerly usurped. Dalrymple, the secretary, had imbibed the bloody spirit of Lauderdale's administration; and, instigated by Breadalbane's resentment, he expressed the most savage joy at an opportunity to extirpate a thievish clan. They persuaded William that Glenco was the chief obstacle to the pacification of the highlands. Perhaps they concealed the circumstance that he had applied within due time for the oaths to government, and had received them since. But they procured instructions, signed, and for their greater security, countersigned by the king himself, to proceed to military execution against such rebels as had rejected the indemnity, and had refused to submit on assurance of their lives. As these instructions were found insufficient, they obtained an additional order, signed, and also countersigned, by the king, "that if "Glenco and his clan could well be separated from "the rest, it would be a proper vindication of "public justice to extirpate that sect of thieves." But the directions given by Dalrymple far exceeded even the king's instructions. In his letters to the commander in chief he recommended the cold and long nights of winter as the season fittest for execution, when the highlanders could not escape to their hills with their wives and children; and when, without protection from houses, the human constitution was unable to survive; regretted that

the other clans in Lochaber, by their timely submission, had disappointed his vengeance; directed with the local knowledge which he derived from Breadalbane, that the passes to Glenco should be securely guarded; and exhorted even the subordinate officers to be sudden and secret in the execution of the plan; and not to trouble the government with prisoners, nor to destroy the cattle and houses, which might render the people desperate, unless the whole clan were utterly extirpated. Such atrocious sentiments, uttered as usual with an ardent zeal for the public service, were communicated to the officers with full effect [32]. BOOK X. 1692.

Massacre of Glenco.

Glenco, assured of an indemnity, had remained at home, unmolested for a month, when a detachment arrived from Fort William, under Campbell of Glenlyon, whose niece was married to one of his sons. The soldiers were received on assurance of peace and friendship; and were quartered among the inhabitants of the sequestered vale. Their commander enjoyed for a fortnight the daily hospitality of his nephew's table. They had passed the evening at cards together, and the officers were to dine with his father next day. Their orders arrived that night, to attack their defenceless hosts while asleep at midnight, and not to suffer a man, under the age of seventy, to escape their swords. From some suspicious circumstances the sons were impressed with a

[32] Enquiry into the Massacre of Glenco; State Tracts, iii. Somers's Coll. xv. Memoirs of the Massacre of Glenco.

BOOK X. 1692. Feb. 13.

sudden apprehension of danger, and discovered their approach; but before they could alarm their father, the massacre spread through the whole vale. Before the break of day, a party, entering as friends, shot Glenco as he rose from his bed. His wife was stript naked by the soldiers, who tore the rings with their teeth from her fingers; and she expired next morning with horror and grief. Nine men were bound and deliberately shot at Glenlyon's quarters; his landlord was shot by his orders, and a young boy, who clung to his knees for protection, was stabbed to death. At another part of the vale the inhabitants were shot while sitting around their fire; women perished with their children in their arms; an old man of eighty was put to the sword; another, who escaped to a house for concealment, was burnt alive. Thirty-eight persons were thus inhumanly massacred by their inmates and guests. The rest, alarmed by the report of musquetry, escaped to the hills, and were preserved from destruction by a tempest that added to the horrors of the night. While the end of the Glen was guarded by Duncanson, with a detachment from Fort William, Hamilton the colonel, to whom the superintendance of the whole was entrusted, had advanced with four hundred men to secure the eastern entrance, and to complete the massacre; but from the inclemency of the night, he was retarded beyond the appointed hour. When he entered the Glen at noon, an old man was the only victim that re-

mained. But the carnage was succeeded by rapine and desolation. The cattle were driven off or destroyed. The houses, to fulfil Dalrymple's instructions, were burnt to the ground; and the women and children, stript naked, were left to explore their way to some remote and friendly habitation, or to perish in the snows[33].

Universal outcry against it.

The outcry against the massacre of Glenco was not confined to Scotland; but by the industry of the Jacobites, it resounded with every aggravation through Europe[34]. Whether the inhuman rigour, or the perfidious execution of the orders were considered, each part of the bloody transaction discovered a deliberate, treacherous, and an impolitic cruelty, from which the king himself was not altogether exempt. Instead of the terror which it was meant to inspire, the horror and universal execration which it excited, rendered the highlanders irreconcileable to his government, and the government justly odious to his subjects. His friends endeavoured, by the plea of inadvertence and haste, to transfer the blame to his ministers; and his ministers were equally earnest to vindicate the orders as strictly legal; or as analogous to

[33] Enquiry into the Massacre. Memoirs of the Massacre. Burnet.

[34] When the orders were published in the Paris Gazette, Dalrymple deliberately remarks, that all that could be said was, that in the execution it was neither so full nor so fair as might have been. Enquiry, &c.

BOOK X. 1692.

letters of fire and sword, which the privy council had been accustomed to grant. But when a second order, signed and countersigned by the king with such unusual precaution, is combined with the impunity which his ministers enjoyed, no doubt can remain that, however the execution might exceed his intentions, the measure was not concerted without his knowledge and previous consent. No enquiry was made at the time, no punishment was inflicted afterwards, on the authors of the massacre. On the contrary, it is asserted that the officers most active in the execution were preferred. The best, and perhaps the just explanation of the transaction is, that William, beset with ministers inured to the sanguinary measures of the former government, was betrayed for once into an act of cruelty inconsistent with his character, and with the mild and merciful tenor of his reign.

Sept. 18. Session of parliament.

The parliament, hitherto deferred from the discontent excited by the massacre of Glenco, was assembled at length to provide troops and supplies. Hamilton was appointed commissioner, and the session was conducted by Johnson the secretary, a younger son of Wariston, with consummate address. By the detection of Pain's correspondence, who conducted the intrigues of the Jacobites from the recesses of his prison, the presbyterians were alarmed at the danger of a plot, and by some partial alterations, were reconciled to government.

The Jacobites were deterred from opposition; and from their mutual apprehensions, the enquiry into the massacre of Glenco was suppressed. An additional land-tax, capitation and excise, were provided for the support of six thousand additional troops. The assurance to government was imposed on church and state. All correspondence with France, however innocent, was converted into treason: but Pain, whose correspondence occasioned these acts, was preserved from trial by a secret intimation to Hamilton and others, that if condemned he might obtain a pardon, by an ample discovery of the participation of their relations and friends in his plots [35].

BOOK X. 1693.

During the preceding reign, the corruption of justice excites no surprise. But the glory which the nomination of pure and upright judges reflects on William, was confined to England; nor is it sufficient to ascribe to political animosities the outcry of all parties against Lord Stair as president. The evil of which they complained, may be estimated from the milder remedies to which the indignation of parliament was with difficulty restrained. Its own minutes were repeatedly falsified by Tarbat, lord register. Orders never made were inserted in private causes depending in parliament [36]; and it would appear that the same

Judicial reforms.

[35] Carstairs's State Papers, 154—8, 9. Ralph, ii. 426. Burnet, iv. 176. Parl. 1693, ch. 2, 3. 6. 8, 9.

[36] Carstairs, 153—67—9—72—81.

BOOK X. 1693.

frauds were employed to alter, and pervert the judgments of the court of session. Under the decent pretext of preventing mistakes, the clerk was enjoined to prepare, and the chancellor, or the presiding judge, to subscribe its *interlocutors*, as soon as they were pronounced, and in the presence of the court. That these mistakes were neither accidental, nor of a venial nature, is sufficiently manifested by the penalty of deprivation, to be inflicted on such high officers as the chancellor and president, as well as by the nullity of whatever sentences were otherwise signed. For the dispatch of business, each judge was required to officiate as ordinary, and was confined in weekly rotation to the outer-house; but the reason was explained in the act, that on his irregular attendance in the inner house, either party, suspicious of his influence, and partial interference, might decline his authority as a judge[37]. By a strange abuse, the judgments, both of the session and of the justiciary, were pronounced or concerted in private, when the parties were withdrawn; and

[37] Each of the fourteen subordinate judges sits in rotation as ordinary in the outer-house, to determine causes, in the first instance, before they are brought under the review of the whole court. The prohibition was directed against his attending, or being called in by the president, to determine a doubtful question in favour of a friend. The prohibition was obviously inadequate; as the president might delay the cause till the ordinary's week had expired, or till a judge, whose opinion was adverse to his own, were employed as ordinary.

to reduce the judges under the salutary influence of public opinion, they were ordered to deliberate with open doors. But the anxious precaution of parliament to reform the administration of justice, demonstrates rather the extent of the evil than the efficacy of the cure [38]. BOOK X. 1693.

The parliament was not inattentive to the peace of the church. On accepting the oaths to government, such of the episcopal clergy as subscribed the confession of faith, and acknowledged presbytery as the only legal establishment, were to be admitted by the next assembly into the government of the church; or, on its refusal, were to be received under the protection of the crown. Elated by the introduction of their party into office, the episcopal clergy imagined that the king was their own; and expecting nothing less than to supplant the presbyterians, they neglected to Ecclesiastical affairs.

[38] Parl. 1693, ch. 18, 19. 21. 26, 27. Secretary Johnson writes to Carstairs on the perversion of justice. "Mr. Stevenson will tell you the instance of the nation's aversion to the session, that all parties agree in that. An honest man knows not what colours to give to the concern that appears to support an established perversion of justice. I should sleep sound were I assured the king would defeat the French, as it is evident whoever pays well some lawyers, do infallibly carry their cause, &c. Carstairs, 184. See also 174. Balcarras ascribes the duke of Hamilton's opposition to Stair, to the desire of filling the bench with dependents, as he had a number of law-pleas in hand. It is not where impartial justice is administered that we complain of the judges, or endeavour to corrupt them.

BOOK X. 1694.

qualify to government within the appointed time. The law intended for their protection might have proved their ruin; but, to the surprise of the presbyterians, they were still protected and preserved in their livings. The last assembly had been abruptly dissolved; but the clergy proceeded, in the name of the church, to dissolve themselves. The king was persuaded, by an insidious advice, to exact the assurance to government from the approaching assembly, to whom it was little less intolerable, as an erastian usurpation, than to the episcopal clergy, as a solemn disavowal of hereditary right. The commissioner was instructed to dissolve the assembly if the assurance should be refused; the clergy were prepared to sit and to assert their independence on the civil magistrate. The consequences were mutually deprecated as ruinous; but in this perplexity they were relieved by the timely interposition of Carstairs, who persuaded the king to countermand the oaths; and the assembly, as a mark of gratitude, adopted the act of comprehension, to which the episcopal clergy refused to accede [39].

Influence and character of Carstairs.

During a series of campaigns unconnected with our history, William, from his frequent absence on the continent, became remiss and inattentive to the affairs of Scotland; the direction of which was consigned by Portland to Carstairs, who had

[39] Parl. 1693, ch. 22. Burnet, iv. 127–76. Carstairs, 58. Brown's Church Hist. ii. 326–9.

formerly endured the torture. From his silence then respecting some important secrets with which he was entrusted by Fagal, he became confidential chaplain to the king, and is to be considered henceforth as first minister of state. All applications passed through his hands; all employments, honours, and offices of state, were left to his disposal; and, without the public responsibility, he engrossed the secret direction of public affairs. Few Scotsmen obtained access to the king, unless through his intervention; and in his correspondence with every department, it is curious to remark how the haughty nobility condescended to stoop and truckle to a presbyterian clergyman, whom their predecessors in office had tortured and deceived. His moderation, secrecy, and a prudence apparently disinterested, recommended him to William: but he is represented as a cunning, subtle, insinuating priest, whose dissimulation was impenetrable; an useful friend when sincere; but, from an air of smiling sincerity, a dangerous enemy[40]. His ascendancy commenced before the queen's death; and, amidst every change of administration, his influence continued entire during the remainder of the reign.

BOOK X. 1694. Dec. 28.

On the death of Hamilton and Queensberry, the marquis of Tweedale was appointed commissioner to parliament, which was never summoned except to provide supplies. The money voted for

1695. Parliament. May 9.

[40] Macky's Characters 209. Ralph, ii. 579.

BOOK X. 1695.

new levies, but not appropriated in the former session, had been ungenerously diverted to other purposes; and the troops intended for internal defence, were employed to recruit the regiments abroad. The nobility were thus disappointed of commissions for themselves and their friends. The people were disgusted at William's supine inattention to Scotland; and an enquiry into the massacre of Glenco was so loudly demanded, that some extraordinary concessions were required from the crown. An enquiry was no sooner proposed, than the parliament was informed that a commission had been issued to investigate the massacre; and thanks were returned for a measure obviously intended to supersede a public examination, and to screen the offenders from public justice. But the result of the enquiry, by the artifices of the ministers to supplant a rival, was reported to parliament at its repeated request; and after a diligent investigation, the guilt of the massacre was transferred to Dalrymple. The king was literally tried, and acquitted, by a vote that his instructions contained no warrant for the slaughter; but the offenders, instead of being surrendered to public justice, as the parliament requested, were pardoned or preferred. The necessary supplies and levies were provided. The episcopal clergy were permitted, on accepting the oaths to government, to remain exempt from the jurisdiction of presbyteries, and an hundred

and sixteen, who were persuaded to qualify, retained their livings under the protection of the king[41]. But these grants and compliances of parliament were dearly purchased, by a concession of which William had reason to repent.

African and Indian company established.

When the charter of the English East India company was renewed, the opposition of numerous merchants, desirous of a free, or of a more extensive trade, suggested to Paterson, a director of the bank, the most extensive schemes for the aggrandizement of Scotland. It is said that this obscure Scotsman was originally a buccaneer, who had acquired the spirit of romantic adventure from his association with this desperate race of men. It is certain that he was the first projector of the bank of England; but that he was defrauded of a recompense by those who adopted his plans[42]. His resentment concurred with his patriotism, to confine his future schemes to his native country, through which he persuaded the disappointed merchants that a share might still be acquired in the Indian trade. Without explaining perhaps the particulars of his designs, he represented to the Scottish ministers that a foreign trade might be concerted, and fixed in Scotland by a foreign capital; and a plan that promised to enrich the country was eagerly embraced. The

[41] De Foe's Hist. Union, 72. Burnet, iv. 177. 217. Carstairs, 203. State Tracts, iii. Parl. 1695, ch. 27.

[42] Burnet, iv. 230. Ralph, ii. 478—81.

BOOK X. 1695.

massacre of Glenco was not yet expiated; and, to soothe and reconcile the parliament to the king's demands, the commissioner was authorised to assent to acts for the encouragement and extension of commerce, without detriment to the trade of England. But an act was passed to erect a trading company to Africa and the Indies; with permission to establish colonies, towns, or forts, in places not inhabited or possessed by European powers; with an exemption from duties for twenty-one years. A national bank, a more beneficial institution, was also created; but for some years the African or Indian company was the exclusive object that engrossed the annals and the attention of Scotland. The religious disputes of the former age had begun to subside. When the people, relieved from the tyranny of their hereditary sovereigns, began to contemplate their comparative situation, the genius of the whole nation underwent a sudden and surprising change. Their country appeared to be poor and contemptible to the rest of Europe. The reason was considered as obvious, that it was the only maritime country inattentive to trade. The removal of the court, and the frequent resort of the nobility to England, were supposed to impoverish the kingdom, or to prevent the gradual accumulation of a capital for the exercise of industry; and while other nations, during the last century, were rapidly progressive in arts and commerce, Scotland appeared to be

stationary or retrograde since the union of the crowns. The benefit derived by Holland from her Indian trade, and by England from her colonies since the reformation, roused the attention and envy of the Scots; and when a commercial spirit was first excited by Paterson's schemes, like a gamester who contemns the slow returns and accumulation of profits, they languished for the sudden influx of national wealth.

Settlement at Darien projected.

It was Paterson's original and ostensible design, to establish an East Indian trade in Scotland, to which foreign merchants, impatient of the exclusive companies in England and Holland, might be invited to subscribe. Neither the stock for trade, nor the market for sale, was to be found in Scotland, where a small part of the profits could be expected to remain. Such an inconsiderable company as has since been transferred from Ostend to Sweden, might have subsisted by underselling those large societies, whose monopolizing spirit, and expensive management, have ever required the most exuberant profits. But a secret and magnificent plan was engrafted by Paterson on his original designs. During his voyages with the buccaneers he had probably visited the isthmus of Darien, of which a considerable part was unoccupied, or, as he conceived, unappropriated by the Spaniards, and inhabited by tribes of independent Indians, hostile to their name. On each side of the isthmus he proposed to establish an emporium

BOOK X. 1695.

for the trade of the opposite continents; that the manufactures of Europe, and the slaves of Africa, when transported to the gulph of Darien, and conveyed by land across the ridge of mountains that intersects the isthmus, might be exchanged for the produce of Spanish America, and for the rich merchandize of Asia, imported to the gulph of St. Michael, or to the river Sambo, in the bay of Panama. The same trade-winds that wafted the European commodities across the Atlantic, would carry them across the Pacific ocean to Asia. The ships from each continent would return loaded with the produce of the others, while the ships from Europe would return with the produce of both the Indies. To unite the commerce of the two Indies, by a colony planted in the isthmus of Darien; or, in his own language, to wrest the keys of the world from Spain, was certainly the conception of no vulgar mind. It may be compared with the noblest and the most successful of Alexander's designs; to establish a mart in Egypt, through which the commerce of India might flow for ages; and was worthy of Spain to execute, had Spain continued a free and enlightened nation. But the schemes of Paterson were addressed to one of the poorest nations in Europe, and recommended by advantages more immediate, and to the Scots more attractive. He represented the natural fertility of the soil, as adapted to the most valuable productions of the tropical climates, and the mines

of gold with which the isthmus abounded, as sufficient to gratify their most insatiate desires. With a wiser policy, he proposed to render the colony a free port; where no distinction of party, religion, or nation, should prevail. His schemes were communicated to a select number; and as they were gradually suspected, or suffered to transpire, the commercial ideas of the Scots were expanded, and they began to grasp at the riches of both the Indies [43].

BOOK X. 1695.

But the schemes of Paterson, however splendid or successful, were unsuitable to Scotland, or to the circumstances perhaps of any nation not possessed of extensive settlements in the west and east. Before a state engages in distant colonization, its capital should be sufficient to cultivate and improve its lands, to manufacture the produce for domestic consumption, and to transport the surplus to a foreign market. But the rude produce of Scotland was generally transported in Dutch barks. There was no capital for its manufacture, even for home consumption, much less for the proper culture and improvement of the soil. That capital which has since encreased from the quick returns of a trade nearer home, must have been absorbed and lost in the settlement of Darien, the profits of which would have been remote and circuitous, and the probable demands of

Unsuitable to Scotland.

[43] Darien Papers, MS. Adv. Lib. Collection of Papers concerning Darien, Anno 1701, p. 22.

BOOK X. 1695.

which the manufactures of the country were then unable to supply. Instead of supporting domestic industry, a trade consisting of foreign manufactures, conducted even by a national capital, would have left nothing but the profits to be spent in Scotland. A premature attempt to colonize must have deprived the nation even of that capital, by its very success. The settlement and plantation of Darien must have drained the country of its most active and industrious inhabitants, of its funds and credit; while the wealth that returned, would have departed through a thousand channels to the neighbouring nations, whose manufactures supplied its consumption and trade. The colony might perhaps succeed; but the capital withdrawn from domestic industry, and lost to the country, must have retarded, if it did not prevent, the accumulation of stock; and Scotland might have still continued stationary and uncultivated, without industry or even the means of improvement.

Opposed in England.

Such consequences were then imperfectly understood; but more obvious difficulties occurred, which Paterson, with the presumptuous ardour of a projector, had not duly estimated. A joint stock was proposed, of six hundred thousand pounds, to be raised in equal proportions for England and Scotland. Such was the reputation with which the African, or Indian company began its career, that within nine days three hundred thousand pounds were subscribed in London, where

ten English directors were appointed to reside. But the commercial jealousy of the Dutch and English East India companies was immediately excited: the West India merchants caught the alarm; and all the bitterness of national animosity was at once revived. The two houses of parliament concurred in a violent and absurd address; that from the vast immunities conferred on the African and Indian company, the stock and shipping of England would be transferred to Scotland, which might become a free port for the commodities of the east; that the English expelled from the foreign markets by the competition and exemption of the Scots from duties, would be undersold by a clandestine importation at home; and that if Scotland were once permitted to acquire a settlement in America, the colonial trade of England would be utterly lost. The king replied, that he had been ill served in Scotland, but that some remedy to prevent the inconvenience might still be found. His ministers, the marquis of Tweedale, who did not long survive, and the two secretaries, Johnson and Dalrymple, were immediately dismissed. But the commons proceeded to enquire by what means the act had been obtained in the Scottish parliament; to examine what subscriptions had been procured in London; and to impeach the directors in each kingdom for administering an oath of fidelity in England. The adventurers, intimidated at these furious pro-

BOOK X.

ceedings, withdrew their subscriptions, and relinquished their design [44].

1697. and at Hamburgh.

On the disavowal of their Indian company by William, the indignation and resentment of the Scots were excessive. The invidious opposition of the English confirmed their hopes; and as the act of which the king disapproved, could neither be recalled nor suspended, they determined to proceed. Four hundred thousand pounds were immediately subscribed, with such ardent zeal, that the covenant itself was never more eagerly embraced. The nobility, the gentry, and the merchants, every borough, and almost every family of distinction in the kingdom, hastened to subscribe their name and credit, and to contribute their funds, to the first of those ruinous projects, or national bubbles, which, in the South Sea and in the Mississippi schemes, were repeated afterwards in England and France. Distrustful, however, of their own resources, they determined to reserve a third of their capital for foreigners. On Paterson's application, two hundred thousand pounds were subscribed at Hamburgh; but the company was still pursued by the commercial jealousy of the English and Dutch. Sir Paul Rycaut, the English resident, presented a memorial to the senate, threatening the city with his master's resentment; and the merchants, notwithstanding a spirited answer, withdrew their subscriptions to

[44] Darien Papers, MS. Ralph, ii. 623.

avert his displeasure from a free state. The company petitioned in vain for redress; nor were these the only discouragements which it sustained. 1697. An absolute famine had desolated Scotland, from the failure of the harvests during the three preceding years. Many families perished for want; 1698. many were driven to Ireland for subsistence, and the country was drained and impoverished by large sums exported for grain[45]. Nothing else than the national pride or honour, piqued and indignant at the opposition of the English, could have incited the Scots, under such multiplied discouragements, to persist in the scheme. Five large frigates, built or purchased for the company at Hamburgh, were fitted out with a cargo of merchandize, military stores, and provisions; and with a colony of twelve hundred men; three hundred of whom were gentlemen, destined for the settlement of new Caledonia, on the isthmus of Darien. Their future government was vested in a colonial assembly, and in a council of seven distinct from the company, which reserved a twentieth part of the lands, metals, precious stones, and pearl fisheries, and stipulated for an annual return of seven thousand pounds sterling for the use of the shipping and military stores. As the hopes of the July 30. whole nation were placed on an enterprise, the greatest which Scotland had ever undertaken, an

Scots persist in their scheme.

[45] Carstairs, 385—7—91. Fletcher's Discourses. Burnet, iv. 261. Vindication of Darien, 39.

BOOK X. 1698.

address was voted in a session of parliament, to which sir Patrick Hume, created earl of Marchmont and chancellor, was appointed commissioner, representing the obstructions invidiously created at London and Hamburgh, and demanding the protection of the king to vindicate those privileges which the company had obtained[46].

Opposed by the king.

The situation of William, at the head of nations whose commercial and political interests were often discordant, was undoubtedly perplexing, and every concession of trade in Scotland must have alarmed and offended the English and Dutch. But the settlement at Darien, which began to be suspected, was irreconcileable with the vast designs which he meditated for the partition of Spain. To oppose the dangerous aggrandizement of the house of Bourbon, was the uniform object of his life and reign. To prevent its succession to the whole of the Spanish monarchy, the partition treaty was concerted with Louis: but the settlement of the Scots at Darien, must have incensed the Spaniards as the first step towards its execution; and the French, as a perfidious departure from its terms. In these circumstances William might refuse his protection to the company, but was scarcely justified in obstructing its success, much less in accelerating its ruin. But the Jacobites had acquired the chief share and direction in

[46] Carstairs, 315—92. Darien Papers, MS. Collection of Darien Papers.

the Darien company; and accustomed to consider Scotland as an appanage subservient to the interests of England, he suspected their design, to render him odious to his other subjects, and to involve him prematurely in a rupture with Spain. In return to the addresses of the parliament and the company, he complained that he was not consulted in the expedition; and when its destination was explained, instructions were dispatched to exclude the Scots from all access to the English plantations [47]. 1698.

Settlement attempted at Darien.

Their fleet had coasted around the north of Scotland, and after a short delay at Madeira, continued its course to the gulph of Darien. The place of their destination was Acta, at an equal distance between Porto-bello and Carthagena, on the coast opposite to the isle of Pines, where they found a secure and capacious harbour, formed by a peninsula, which they fortified, and named Fort St. Andrew's, from their tutelary saint. But the lands were first purchased from the native princes, and by a specious example of moderation and justice, unknown to the new world, they proposed to establish a better title and right to the country than the Spaniards possessed. New Edinburgh, the intended capital of New Caledonia, was proclaimed a free port, open to all nations; and their first dispatches to the company contained the most flattering accounts of the climate and soil. Their

[47] Id. 24. Ralph, ii. 817.

BOOK X. 1698. Nov.

arrival, in the beginning of winter, happened at the most temperate and healthful season in the tropical climate, when the air was cool, serene, and refreshing, and when the rich and luxuriant soil was no longer deluged with the rains attracted by a vertical sun. But the company had already been defrauded by its directors and servants, and the provisions brought from Scotland, were insufficient for the colony, and were soon consumed. The gentlemen who had embarked as settlers, were unused to labour. The constitutions of the peasants, inured to a cold and mountainous region, were unequal to the fatigue of clearing the ground. On the sun's return from the further tropic, the colony melted away from improper food, and from the diseases incident to a sultry, damp, and unwholesome climate, where it rains almost incessantly during two thirds of the year. No sloops were provided to distribute their cargoes, in exchange for provisions, through the West India Islands; nor were the cargoes properly adapted for sale. The Spaniards who attacked their infant settlement, were repulsed with loss; but one of their vessels was stranded and seized at Carthagena, on its voyage to Barbadoes, and the crew were imprisoned and condemned as pirates. A vessel dispatched with provisions from Scotland, was burnt at sea. When in this critical situation, the colony relied for subsistence on its trade with the English, proclamations were issued

at Jamaica, Barbadoes, and in the American plantations, to prohibit all intercourse with the Scots, whose settlement at Darien was termed an infringement of the peace and alliance with Spain. At home, the most violent remonstrance was presented by the Spanish ambassador. The French king, to conciliate the court of Madrid, offered a squadron to dispossess the Scots. At the end of eight months, the remainder of that ill-fated colony was constrained, by disease and famine, to abandon their settlement, and to embark for Europe; but in the West Indies and America, their ships were either denied access to the English harbours, or where detained when admitted [48].

1699.

Abandoned by the colony. June 21.

Before the evacuation of Darien was reported, a second and a third expedition had sailed from Scotland, not inferior in numbers to the first [49]. The company renewed their applications to the king for protection. In opposition to the Spanish ambassador's memorial they maintained that a legitimate purchase from the native princes, who had still preserved their independence, and the rights of possession, was a title far preferable to the preoccupancy of a country which the Spaniards were unable to conquer, and which they had afterwards relinquished. But when it was

Settlement resumed and again abandoned.

[48] Pamphlets on Darien. Collect. concerning Darien, 122—43.

[49] Two ships sailed in May with three hundred men, four others in September with thirteen hundred. Darien Papers.

BOOK X. 1699.

understood in Scotland, that in consequence of the proclamations in the Leeward Islands, the settlement was abandoned, the whole nation was struck with consternation and despair. To recede was impossible, without utter ruin: the most vigorous orders to repossess the country were dispatched in quest of the second colony, and the settlement was resumed, under the same circumstances of famine and disease. The new colony found the huts burnt, and the forts demolished; but the difficulties of their situation, in a country that furnished no provisions for their support, nor any returns for Europe, were encreased by dissensions among themselves. Three months after their arrival, they were attacked by the Spaniards. Twelve hundred that advanced from Panama, were easily dispersed; but a squadron of eleven ships from Carthagena forced them to capitulate, on permission to embark with their effects for Europe. Their ships were unprovided for such a long voyage, and of three successive colonies that arrived at Darien, few survived to return to Scotland [50].

Feb. 24.

March 18.

1700.

Ferment of the nation.

For a time the nation was soothed and pleased, with the hopes of repossessing its favourite settlement; and the apprehensions of utter ruin had begun to subside. But the public indignation at government was heightened; and the most clamorous efforts of rage were employed to extort

[50] Darien Papers. Carstairs, 499. 511. 612.

from William a confirmation of the national right to Darien. In the hands of the Jacobites, who had insinuated themselves into the management of the company, the court of directors acted as a powerful engine in opposition to government. Public prayers, to avert, or rather to exasperate the calamities of the nation, were appointed by the commission of the assembly at their request. A national address to assemble parliament, was circulated through the kingdom, and universally subscribed; while a proclamation against disorderly petitions was issued in vain [51]. The address was presented by Tweedale, but the king's refusal to accelerate the meeting of parliament encreased the ferment. When he sought the approbation of the English parliament, the lords interposed to vindicate his opposition to the settlement at Darien, but the commons refused to concur in the address; when he recommended an union, to reconcile the hostile interests of the two kingdoms, they rejected the bill. In the resolution not to disturb the repose of Europe, nor to renew the war for an inconsiderable settlement, to which the claim was at least doubtful, his motives of just and enlightened policy obtained little credit, and made no impression upon the untractable Scots. When the day prefixed for their parliament approached, the presbyterians united again with the Jacobites, and a majority appeared in opposition

BOOK X. 1700.

May 21.

[51] Id. 500—13. Coll. Darien Papers, 103.

BOOK X. 1700.

to the measures of the crown. The most inflammatory publications had been dispersed through the nation; the most violent addresses were presented from the towns and counties; and whosoever ventured to dispute or to doubt the utility of Darien, was reputed a public enemy, devoted to a hostile and corrupt court. A resolution to assert the national right to Caledonia, and to support the colony as a national concern, was prevented by adjournment: and as the ferment still continued, the parliament was prorogued. Before the members dispersed, they concurred in a remonstrance to the king against illegal adjournments, as a violation both of the freedom of debate, and of the declaration of rights. The populace rose tumultuously, on the first notice of the defeat of the Spaniards by their countrymen at Darien. They proclaimed illuminations for the deliverance of Caledonia: they demolished the windows, or insulted the persons of the officers of state, and broke open the prisons to release some seditious printers; nor had the government vigor sufficient to inflict a punishment adequate to the offence [52].

Distress and despair at the loss of Darien,

But when the surrender and final ruin of the settlement were known, the calamitous state of the nation was universally felt. Two hundred thousand pounds were sunk and lost in the different

[52] Darien Papers, 133. Carstairs, 510—33—9—86. 607—15. Ralph, ii. 848. Minutes of the Scottish Parl.

expeditions; an equal sum had been sent abroad, during five years of scarcity, for the purchase of food, and a general bankruptcy was expected to ensue. Many who had subscribed their whole fortunes, were reduced to ruin; and few families had escaped the loss of a relative or a friend. Instead of returning with wealth and distinction, the adventurers who survived the mortality of a noxious climate, continued to languish in the Spanish prisons, or were left to starve in the English plantations; and the nation, awakened from its dreams of immense wealth, stript of its credit, its resources, and trade. Its stock for trade was exhausted; its credit was ruined; and as every neighbouring kingdom had proved hostile to its aggrandizement, all hopes were extinguished of emerging from a poor and contemptible state. The sense of present degradation, was exasperated by the memory of former independence, when its arms were respected, and when its alliance was solicited by the greatest potentates. Every domestic calamity which the country had sustained, was industriously traced to the removal of the seat of government; to the corrupt resort of the nobility to the English court, and to the pernicious influence of English councils since the union of the crowns. The most desperate attempts were projected; to sit in parliament by force, or to hold a convention of estates at Perth. On the death of the duke of Gloucester, in whom, as the last child of the prin-

BOOK X. 1700.

July 29.

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cess Anne, the settlement of the crown determined, the Jacobites proposed to declare the throne vacant, and even the presbyterians seem to have deliberated whether or no they should separate from England, if no successor were provided on the king's demise [53]. As the scarcity of money, even for the common purposes of circulation, was universally felt, an association was formed against the use of foreign manufactures, or the importation of French wines, in order to deprive the government of the most productive articles of customs and excise. The Jacobites endeavoured to seduce, or prepared to disband the army when the parliament should meet. Every indication threatened a separation of the crowns; but their applications to the court of St. Germains were unexpectedly rejected. Louis, who was not as yet assured of his grandson's succession to the Spanish monarchy, was unwilling to renounce the partition treaty; and he persuaded James, that amidst the dissensions of the two kingdoms, the encouragement given to the Scots might incense the English, from whom alone his restoration could proceed. That bigoted monarch, engrossed with acts of monastic devotion, tamely expected the death of William as a signal to return and re-ascend the throne [54].

[53] Carstairs, 561. 70. Interest of Scotland, in three Essays, by Seton of Pitmedden, 1700. Scotland's Grievances relating to Darien. Coles's Mem. 174.

[54] Coles's Mem. 55. 209—70. Macpherson's Orig. Pap. i. 257.

BOOK X.

1700. Parliament mollified.

As the supplies for the army expired with the year, a session of parliament became indispensible; but the situation of the country never appeared more alarming or formidable to government, and nothing less than the king's presence was expected to appease the public discontent. His declining health, however, had encreased his habitual aversion to factions, and his natural reserve. Reposing a just confidence in the address and influence of his commissioner, the duke of Queensberry, he endeavoured by a conciliatory declaration, to soothe the people; and he availed himself dexterously of the loss of Darien, to represent the dangerous impolicy of involving his ancient kingdom, alone and unsupported, in a heavy war which she was unable to sustain, for a precarious settlement which it was impossible to preserve in opposition to Spain. Every security was proposed for the preservation of religion, of personal liberty, and the freedom of trade. The prisoners wrecked at Carthagena, and condemned as pirates, were released at his request; and as the recovery of Darien, the sole bond of union, was no longer expected, the presbyterians were gradually detached from a party whose violence aimed at the destruction of the state. The members of parliament were the most untractable, as they were mutually pledged by their late addresses. But the boroughs were recently admitted to farm the customs; bribes and pensions were freely dispens-

BOOK X. 1700.

ed; and each of the officers of state undertook a separate progress through the country, not to corrupt the leaders of opposition, but to seduce their adherents. When the parliament was opened, the duke of Hamilton, the chief leader of opposition, was deserted by his former majority[55]: the affairs of Darien were postponed for acts tending to conciliate the public esteem: the people were gratified by the incapacitation of papists from the purchase, sale, or inheritance of lands, in preference, or in prejudice to the next protestant heir; but our gratitude is more justly due for the security which personal liberty obtained. An act frequently demanded, was introduced against wrongful imprisonment, and the undue delay of trial, which, notwithstanding the claim of rights, had never been properly restrained. The informer was required to subscribe his information; the magistrate, to sign a warrant expressive of the particular cause of commitment; and, upon application to a competent judge, the prisoner was ordered to be released upon bail, within twenty-four hours, unless the offence were capital, in which case his trial was to be brought on within sixty days. When released on the failure to prosecute, he might be imprisoned again, on a second indictment; but if twice discharged, he was exempt from all further prose-

October 23.

[55] Carstairs, 650—73. Fletcher's first Discourse on Scotland. Boyer's Annals of Queen Anne. Minutes of Parliament.

cution for the same offence. Arbitrary transportation, so frequent during the former reigns, was prohibited without a legal sentence, or judicial consent; and in addition to the severe penalties annexed to wrongful imprisonment or wrongful transportation, the judges who rejected the prisoner's application, or refused to give full effect to the act, were declared incapable of public trust. If inferior, in some particulars, to the habeas corpus in England, the act inflicts a more adequate penalty on the iniquity of the judge. 1700.

Resolutions of parliaments

But the affairs of Darien were too important to be treated with silence or contempt. The honour and independence of the nation remained to be vindicated; and a series of popular, and high spirited resolutions were adopted, from which the ministers durst not express their dissent. The addresses, votes, and the whole procedure of the English parliament, against a company instituted by an act of the Scottish legislature, were declared an officious and undue encroachment on the authority of an independent state. The memorial of the English resident to the senate of Hamburgh, was pronounced injurious, false, and contradictory to the laws of nations. The proclamations of the governors in the English plantations, were stigmatized as pernicious to the company, and as barbarous, and repugnant to the common rights of humanity. The colony of New Caledonia was finally vindicated, as a just and legal settlement, 1701.

BOOK X. 1701.

perfectly warranted by the statute and letters patent which the company had obtained[56]. On these unanimous resolutions, the ministry proposed to address the king. The opposition demanded an act, not only to assert the right, but to support the prosecution of the claim to Darien, without which they asserted that the company was still insecure, and its adventurers liable to be treated as pirates. But their design was obvious; to involve the king in hostilities with Spain. After a fierce and tumultuous debate, an address was carried by twenty-four votes, that his majesty would be pleased to vindicate the honour of the kingdom, and to assure the company of his royal protection[57]. The immunities of the Darien company were prolonged. The exportation of wool, and the importation of foreign manufactures, or of French wines, were prohibited till the fish and manufactures of Scotland should be admitted into France. The army was reduced to three thousand men; and by the prudent concessions of William, aided by the intrigues of his ministers, a parliament which had endangered the harmony of the two kingdoms, was quietly adjourned.

Death of James.

The remainder of the reign passed in sullen discontent at the loss of Darien, the remembrance of which was long preserved with resentment and

[56] Minutes of Parl.

[57] Id. January 13, 14. Carstairs, 684.

regret. When the settlement of the crown was extended in England to the house of Hanover, the people were too much exasperated in Scotland for the same measure to be proposed with success; and to secure the protestant succession, an union of the two kingdoms was deemed indispensable. On the succession of the duke of Anjou to the Spanish monarchy, the hopes of the Jacobites revived at the prospect of a war, which was accelerated, instead of being prevented by the death of James. His spirit, immersed in the most sordid superstition, had sunk under the weight of his misfortunes; and by the most ascetic mortifications among the monks of La Trappe, he seemed desirous to convince the world, that, when despoiled of a crown, he was unworthy to reign. Naturally intrepid, just, open, and indulgent at least in domestic life, his superstition chiefly contributed to render him tyrannical, relentless, pusillanimous, and frequently insincere. He declined a competition for the crown of Poland, and at the peace of Ryswick, would have refused his son as a successor to William, had the latter offered as he expected, to superintend his education, or even to provide for his succession to the throne[58]. His last moments were consoled

BOOK X. 1701. Sept. 16.

[58] Such expectations, it appears, were entertained by the Jacobites previous to the peace of Ryswick, but were discouraged by James. Macpherson's Orig. Pap. i. 551. But Dr. Somerville has sufficiently shewn that no such offer was

BOOK X. 1702.

by the assurance of Louis to acknowledge the prince of Wales, who was proclaimed on his father's death, and received as king by the court of France. An event so grateful to his adherents, which alarmed and incensed the English at the indignity of accepting a monarch from the French, confirmed the grand alliance projected by William, to circumscribe the inordinate power of the house of Bourbon on the acquisition of Spain. But at home the protestant succession was still insecure. In his last message to the house of commons, William earnestly recommended an union of the kingdoms, which, from his approaching dissolution, he had no hopes to accomplish himself.

Death and character of William.

His constitution, feeble from his untimely birth, and oppressed by the cares of government when repose was necessary, sunk under a complication of disorders; but the immediate cause of his death was a fall from horseback, which his decayed and exhausted frame was unable to sustain. He languished above a fortnight, under an aguish fever, and expired in the fifty-second year of his age, of an inflammation in his lungs. His person was of the middle size, ill-shaped and ungraceful, except on horseback; his nose was aquiline; but the harsh features of his countenance, which was pale and solemn, were enlightened by the piercing

March 8.

made by William, and that the secret conferences between the earl of Portland and Marshal Boufflers respected the jointure of James's queen. Hist. of Polit. Tran. 442.

lustre of an eagle-eye. From the constraint imposed upon his early youth, his manners were silent, cold, and so extremely reserved, that he dispensed rewards and refusals with almost equal indifference. Unfavourable impressions were sooner received than effaced from his mind; but his resentment never descended to the meanness of revenge. His habitual reserve and taciturnity encreased with his declining health; but his disposition was not always averse from the enjoyment of social life, nor unsusceptible of the finer feelings of love and friendship. From the disadvantages of a neglected education, he was ignorant of the fine arts, and insensible to their charms; incapable of a steady application to business, or impatient, perhaps, of the minute and official details of public affairs. But his virtues were of a severer and more exalted order. His mind was still intent on some great design, in which the various qualities of a sound and provident judgment were successively exerted; an invention ever fertile in resources; a calm and serene magnanimity in battle and danger; fortitude during adversity; moderation in prosperity; fidelity to his allies; and above all, an invincible attachment to public liberty, to which his ambition was a secondary and subordinate passion. His life was spent in a constant struggle with France, at first to preserve the independence of his country, then the balance, or the independence of Europe; and as he refused the

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sovereignty of Holland, at the expence of its freedom, he would have equally rejected the crown of England, had it been offered on terms inconsistent with those great designs. From the deliverer of England, he became the arbiter and protector of the liberties of Europe; and if not the most skilful and successful general, he was certainly the most enlightened and upright statesman of his age; inflexible in his pursuit of public utility; not incapable of yielding to exigences; and improving dexterously every opportunity that occurred. Indifferent and impartial to the factions that divided and shook the nation, he trusted and employed them alternately, with a confidence that extended even to domestic treason; and from his intimate knowledge of the human character, he possessed the rare talent of adapting the services of his secret enemies to the prosecution of his designs. His character was chiefly distinguished by a steady integrity; by a dignified simplicity, and a patriotic regard for the rights of mankind. At the distance of a century, when the prejudices of faction are forgotten, and the benefits conferred by his government have partly ceased, religious toleration, which he was the first prince in Europe to introduce, constitutes the purest glory of his life, and of his reign. Like other benefactors of the human race, he experienced distrust and ingratitude from the nations which he redeemed; but the English ought to re-

vere his memory, as the greatest monarch who has succeeded to Elizabeth, and the last who assumed the personal direction, and devoted himself to the service, of the state. BOOK X. 1702.

Lenity of his reign in Scotland.

Were an abatement to be made from this illustrious character, it is in the government of Scotland that the most exceptionable part of his conduct appears. There, however, it may be truly affirmed, that the statesmen in whom he was obliged to confide, trained under the former government, and tenacious of its abuses, betrayed him into arbitrary exertions of power; while the political situation of Europe, which engrossed his time and his presence, in the cabinet and in the field, necessarily rendered him remiss and inattentive to domestic affairs. Let it be remembered also, that notwithstanding the incessant plots and conspiracies of the Jacobites, and the jealous fears that invariably render new governments rigid and cruel, not a single person perished on the scaffold, nor was there a noble family in Scotland ruined by forfeitures during his lenient reign.

THE

HISTORY

OF

SCOTLAND.

BOOK XI.

Accession of Anne.—New Parliament.—Act of Security proposed.—Passed.—Alarm—and Acts in England against the Scots.—Protestant Succession attempted in Parliament.—Postponed for a treaty of Union.—Negociation of the Commissioners.—Articles examined in Parliament.—Debates and Arguments of each party on an Union.—Insurrection projected and disappointed.—Union ratified by the Scotch—and English Parliaments.—Completed by dissolving the Privy Council, and introducing the English Treason Laws.—Review of its effects.—Conclusion of the whole.

BOOK XI. 1702. Accession of Anne.

THE accession of the princess Anne, the eldest, and the only protestant daughter of James that survived, was acceptable to the whigs, as the settlement of the crown was fulfilled according to the claim of rights, and propitious to the tories,

as a Stuart was again restored to the throne. The latter were introduced into the administration in England; but in Scotland, where the tories were almost all Jacobites, the whigs were still permitted to remain in power. But the Jacobites were disposed to acquiesce in the queen's government, from a rational expectation, and perhaps a secret assurance, that though she would never relinquish the crown while alive, yet the ties of natural affection, and attachment to the last prince of her race, might persuade her to secure the succession to her brother, in the event of her decease.

State of parties.

The convention parliament, however refractory at times, had subsisted during the whole of the preceding reign. From its long duration, the ministry had found access to a majority of the members; and it was neither the interest of the former to dissolve the parliament, nor the inclination of the latter to return to their constituents. While the people were tranquil, a general election was considered as unnecessary; whenever they were agitated, it was represented as dangerous. But the loss of Darien, as it was ascribed to the pernicious influence of English councils, had created a formidable opposition in parliament, in proportion to the discontent which it excited through the nation. The Jacobites had assumed the mask of public spirit, to unite with a party that asserted the commercial interests and the independence of Scotland; and the duke of Hamil-

BOOK XI. 1702.

ton, the ostensible leader of the country party, was popular from his uniform opposition to the crown. His attachment to the exiled family was unalterable; but his address was sufficient to unite and reconcile the most discordant parties, and the most opposite characters to the prosecution of his designs. Cautious, and almost irresolute in deliberation, he was prompt, intrepid, and inflexible in the execution of measures; an impressive rather than an eloquent speaker; skilful in penetrating into the designs of others, but actuated, on the most important occasions, by some selfish, subordinate considerations of interest or revenge. His fortune was embarrassed by debts and lawsuits, but his stake was too considerable, in each kingdom, to permit him ever to instigate his party to arms. From his ambition to supplant the duke of Queensberry in administration, his chief object at present, was to procure a dissolution of parliament, where his party was still inferior in strength[1].

Secession from parliament.

By an act passed in the late reign for the security of the kingdom, the duration of parliament was prolonged six months after the death of the king. The estates were authorized to meet in parliament, within twenty days, in order to provide for the public safety and the protestant succession, but not to innovate on the constitution,

[1] Lockhart's Mem. with Sir John Clerk's MS. Notes, p. 28. Cunningham's Hist. i. 322.

or on the established laws[2]. Hamilton and his friends had applied in person to the queen to dissolve the parliament; but as a majority continued attached to the court, it was held by Queensberry, after an irregular adjournment beyond the appointed time. Before her majesty's commission or letter was read, the duke of Hamilton rose, and declared that the parliament, except so far as preserved by the act of security, had expired in consequence of the demise of the crown; and as the objects of that act were happily accomplished, and the protestant succession and the public safety were already secured by her majesty's accession, he protested against the proceedings, or the continuance of parliament, as an illegal convention, and withdrew at the head of eighty members, who were received by the populace with loud acclamations. Notwithstanding the unexpected and large secession, the parliament was duly constituted; and when the queen's letter, recommending the measures of her predecessor, was read and enforced by the commissioner and chancellor, the estates proceeded to vindicate her authority and to assert their own. To disown or to impugn the authority either of the queen or of the parliament, was created treason. Presbyterian government was confirmed with such zeal, that a member who pronounced its principles inconsistent with monarchy, was immediately expelled.

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[2] Parl. 1696, ch. 17.

BOOK V. 1702.

The dean and faculty of advocates, who approved the protest of the eighty members, were summoned to the bar, and severely reprimanded for their seditious votes. Ten monthly assessments and a half were granted, to be raised in two years; and the queen was empowered to appoint commissioners for a treaty of union, according to the last, most earnest request of the late king. But a bill introduced by Marchmont the chancellor, to abjure her brother, the pretended prince of Wales, produced an unexpected division among the presbyterians themselves. Some were desirous to exclude the disaffected from the next parliament; others were averse to the settlement of the crown, till the redress of grievances should be obtained from England. Ministers had received no instructions to provide for the protestant succession, which the English cabinet was inclined to leave undetermined, to overawe the whigs; and the parliament was adjourned, as the opposition threatened to summon the seceding members to their aid [3].

October 27. Union attempted.

Commissioners were appointed from each kingdom, to treat at Westminster, where some progress was made to facilitate an union. They agreed that the two kingdoms should be incorporated into one monarchy, under the same legislature and line of succession, with a mutual communication

[3] Lockhart, ii. Parl. 1702, ch. 7. Minutes of Parl. Carstairs, 714. Boyer's Annals of Queen Anne, i. 54.

of privileges, and a free trade. The English consented with reluctance to admit of a participation in their plantation trade; the Scots were with difficulty persuaded to submit to the same imposts with England, upon home consumption; but they refused, without an equivalent, to incur a share of the national debt, or to relinquish their Darien company, in which the public faith and the wealth of the kingdom were so deeply involved. The English commissioners, who still considered the privileges of the Darien as inconsistent with those of their East India company, represented that the interference of two great and exclusive companies might prove injurious to the trade of the united kingdom; and to reconcile the discordant interests of the two opposite monopolies, such difficulties occurred that the treaty was adjourned†.

Change of ministers.

But the unexampled duration of parliament, which had subsisted fourteen years, excited general discontent. Originally it was elected for a convention, and if its authority were doubtful or disputable, when converted into a parliament in the preceding reign, its continuance under the present was considered as absolutely null. The people were entitled to annual elections; and, after the secession of the country party, they began to dispute the authority of the rump, as

† De Foe's Hist. of Union, App. 14. Tindal's Continuation of Rapin, iii. 558.

BOOK XI. 1703.

the parliament was termed, and to refuse payment of the taxes which the last session had imposed. At the instigation of Queensberry, who proposed to dissolve the attachment of the Jacobites to Hamilton, and to surmount the opposition of the country party, the court embraced the opportunity to dismiss the whigs. The earls of Marchmont, Melville, Selkirk, Leven, and Hyndford, who adhered to the principles of the revolution, were displaced, and those statesmen were introduced into office who had occasionally opposed the measures of the late reign. The Jacobites were elated with the change. They availed themselves of an indemnity to return from exile; or with a secret reservation, they accepted the oaths of allegiance to the queen, as regent during the minority of her brother. The episcopal clergy solicited, and were promised, an ample toleration; and though the public exercise of their religion occasioned frequent riots, they expected nothing less than an alteration in the government of the church. The presbyterians, alarmed and depressed, began to suspect the new ministers, and the queen herself, of a secret design to supplant their religion, as the first step towards the succession of her brother, when a new parliament was summoned, to provide for the deficiencies of the former supplies[5].

[5] Lockhart, p. 21. Boyer, i. 160. 206. ii. 15. Ridpath's Account of Parl. 1703, p. 11. Cunningham's Hist. i. 320.

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The efforts of each party were exerted, at the general election, to strengthen its interest in the approaching parliament, the last which was destined to be held in Scotland. Lord Seafield, the chancellor, was employed to manage the returns; and his assurances of the queen's attachment, and of her reliance on their fidelity, persuaded many of the Jacobites to transfer their interest at elections to the crown. But the court party was divided and broken by the recent change. The adherents of the revolution were jealous of their new associates, whom the late ministers were ready to oppose. The country party were almost equally numerous; and if we except a few Jacobites, they consisted either of presbyterians, or of independent members indifferent to religious sects. The Jacobites, who assumed the name of Cavaliers, formed a distinct body, whose numbers were still inconsiderable; but they were prepared to unite with either of the contending parties, and expected to incline the balance to which soever side they chose[6]. When the parliament was opened by Queensberry the commissioner, a recognition of the queen's title and authority was proposed by Hamilton, as a compliment to her, or as a decent apology for an intended motion, that the last session was an illegal convention, and that the ministers were responsible for their unconstitutional advice. An additional clause was

New parliament.

May 6.

[6] Cunningham, i. 324, 5. Ridpath, 20, 31. Lockhart, 35.

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proposed to counteract this obvious design; that it should be high treason to question, not only her majesty's title, but the exercise of her government, since the commencement of her reign. The presbyterians concurred with the court party to support the amendment, which was carried by a large majority; and the Jacobites, who still adhered to the commissioner, endeavoured, by their ostentatious services, to merit favour from the queen. The earl of Home, their leader, proposed a supply; the earl of Strathmore an act of toleration, to exempt the episcopal ministers from the oaths to government: but their views extended to the revival of patronage, and to the introduction of their clergy into the benefices of the church[7]. The presbyterians, and the court party, attached to the revolution, were alarmed at their unwonted zeal in support of government. The commission of assembly petitioned against an iniquitous toleration. Argyle and Marchmont awakened the commissioner's jealousy at the growing power and ambition of Hamilton, to whom the Jacobites, when their present objects were once accomplished, would continue to adhere. They introduced two acts, the first to confirm the presbyterian government, and the second to declare it high treason to impugn the authority of the convention parliament, or even to attempt an alteration in the claim of rights. As the abro-

[7] Ridpath, 5. 38.

gation of prelacy and of ecclesiastical pre-eminence constituted an article of the claim of rights, the presbyterian religion, from the concurrence of the presbyterians with the court party, was thus indirectly sanctioned by the penalties of treason, and all hopes of episcopal government were finally repressed. The Jacobites, who had stipulated that no confirmation should be bestowed on the revolution, abandoned the commissioner, by whose connivance their religion was proscribed; and continued afterwards invariably attached to the country party[8].

Disposition of the parliament and the nation.

These preliminary disputes were subordinate to a more important question with which the nation was agitated, productive of an ultimate union between the two kingdoms. Ever since the projected settlement at Darien, the genius of the nation had acquired a new direction; and as the press is the true criterion of the spirit of the times, the numerous productions on every political and commercial subject, with which it daily teemed, had supplanted the religious disputes of the former age. As the loss of Darien was invariably ascribed to the servile dependence of ministers on the English cabinet, whatever misfortunes the nation had sustained since the union of the crowns, the increase of the prerogative, and the exaltation of the hierarchy by James VI. the introduction of the liturgy

[8] Ridpath, 44. Boyer, ii. 36. Lockhart, 44. Proceedings of the Parl. of Scotland, 1703.

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by Charles I. the civil wars which it produced in Scotland, and the furious persecution under Charles II. were aggravated and ascribed to the same cause by the public discontent. The commerce of the nation, as it was far less progressive than in other countries, was supposed to have declined since the accession of James. A share in the plantation trade was considered as a just equivalent, due to a nation impoverished during the preceding century, by the attendance of its nobility at the English court, and by the loss of its commercial privileges in France. But the Scots were excluded from the plantations by the navigation act. Their shipping had been seized and confiscated in the plantations; and their trade with England was discouraged, since the restoration, by the same restrictions that were imposed upon aliens[9]. Every attempt to extend their commerce, or to establish a settlement in the east or in the west, was repressed by the predominating influence of the English cabinet; and it was supposed that the worst, and most servile statesmen were selected for the administration of Scotland. Every opportunity to improve their country, or to redeem their constitution from a foreign influence, had been disappointed, it was said, by the delusive offer of an union till the danger had subsided; and the nation lamented the improvidence of its ancestors, who neglected to secure the inde-

[9] Ridpath's Discourse on the Union, 1702.

pendence of their government, by limitations previous to the union of the crowns. The source of every preceding disaster was felt at once, on the loss of Darien, in the pernicious influence of the English cabinet over the sovereign, which it became the duty of every true born Scot to resist. The country party was formed, like every opposition, of an independent interest, with the discontented of every description intermixed; but their professed object was to procure redress for the loss of Darien, and to emancipate their country from the English yoke.

Views of parties.

A fairer opportunity than the present could never have occurred. At the close of the last reign, when the settlement of the crown of England was extended to the princess Sophia, Dowager of Hanover, the next protestant descendant of the elector palatine, and of Elizabeth, daughter of James VI. the estates of Scotland were not once consulted, and no provision was yet made to preserve the union of the crowns. The most salutary measure that originated in England, would have been rejected by the discontented of all ranks; and an incorporating union was recommended by William, in order to establish the same protestant succession in Scotland, and to prevent the final separation of the kingdoms. The security of England required that the protestant succession should be received in Scotland, but it was the obvious policy of all parties there, that the succession

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should remain undetermined till their grievances were redressed, or till the benefit of an union were first obtained. To secure the independence of government, the country party determined to impose limitations on the successor to the crown. The court party were inclined to postpone the succession, or rather to introduce it by a previous union; but it was the interest of the Jacobites to leave the succession open for the last prince of the house of Stuart. Hamilton, who maintained a strict correspondence with the exiled family, was instructed to persuade the queen, if possible, to admit her brother to the crown of Scotland during her life, that his accession might be secured in England after her death. But the country party in general, the marquis of Tweedale, the earls of Rothes, Haddington, Roxburgh, Hyndford, Marchmont, lord Belhaven, Baillie of Jerviswood, and Fletcher of Salton, were indifferent, or more probably irreconcileable to the pretender's interest, and never meant to renounce their attachment to the protestant succession[10].

Act of security.

According to these views of the different parties, the settlement of the crown was industriously evaded. The consideration of supplies was post-

[10] Macpherson, and other late historians, erroneously represent the country party as all Jacobites. It is now difficult to ascertain the numbers of each in parliament: but after the defection of the *Squadrone*, which consisted of more than thirty members, Lockhart is still careful to discriminate the Jacobites from the country party.

poned, to prevent a sudden prorogation, till an act for the security of the kingdom were prepared. In the event of the queen's death, it was proposed that the parliament then existing, or if dissolved, that the last parliament should assemble within twenty days, during which the government was to be lodged with the privy council and such of the estates as repaired to town. Papists, aliens, Englishmen invested with a peerage, without an adequate estate in Scotland, were excluded from a parliament which was intended to provide for the demise of the crown. If no issue of the queen existed, and if no heir were already appointed to the throne, the estates were directed to name a successor, of the royal line and the protestant faith; but it was carefully provided, that the same person should not succeed to the throne of England, unless such conditions of government were previously framed, during her majesty's reign, as might secure from English, or from foreign influence, the honour and independence of the crown and kingdom; the freedom, frequency, and authority of parliament; the religion, liberty, and trade of the nation. An additional clause, proposed in opposition to these limitations, was adopted in the act; that the same person should be incapable of succeeding to both kingdoms, unless a free communication of trade, the benefits of the navigation act, and the liberty of the plantations, were also obtained. The commissions of the officers of state

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and of the military commanders, were to expire with the sovereign, to prevent the existence, or the influence of an English government during the interregnum; the inhabitants fit for arms were ordered to be uniformly armed, and regularly disciplined once a month; and by a separate act, the prerogative of declaring peace and war, was to be exerted by the sovereign with consent of the estates; from an obvious design, that if the concessions expected from England were ever revoked, the nation might refuse to concur in its continental wars.

Debated.

Never was an act so violent, adopted in Scotland with more deliberation, or opposed by more artful interruptions and delays. Each clause was debated and voted as a separate act. As the estates were seldom permitted to meet till evening, or to sit above once every third day, three months were consumed on the act, that the members, wearied and exhausted by attendance, might return to their homes[11]. But the independence of Scotland had created the deepest interest in the nation; and the act of security was supported with a spirit and eloquence which hitherto the parliament had not displayed.

Arguments for,

As the present settlement of the crown expires with the queen, nothing less, said the advocates for the act, than the supreme power inherent in the estates, can prevent the dissolution of the mo-

[11] Proceedings of Parl. 1703.

narchy on her death. The government then reverts to the same situation in which it was placed at the revolution. The estates are then entitled to declare a successor, or they may anticipate at present the declaration of a successor; much more with the consent of the reigning sovereign, are they entitled to prescribe future limitations for the vacant throne. That limitations are necessary, nay indispensable for the public security, is obvious from the situation of a Scottish prince on the throne of England, whose prerogative must ever be subservient to the inclination of the court, and to the interest of the nation in which he resides. While a limited monarch, he must consult the interest of the English parliament; but if absolute, his Scottish prerogative would still be exercised by the administration of England, to which the ministers for Scotland must submit implicitly, whether to procure or to preserve the offices and emoluments of state. Thus it is, that as long as the disposal of places belongs to the king of England, the government is devoted, like a conquered province, to English councils; that the interests of Scotland have been uniformly sacrificed, and the nation bribed and betrayed at its own expence. A few votes may dissolve this inglorious servitude; and no alternative remains, but to separate from England under a different successor; unless, by previous limitations, the disposal of all offices, pensions, and places of trust,

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be transferred to the estates. It is not the prerogative of a Scottish prince, but of an English minister, that is transferred, or more properly an ancient privilege that is restored to parliament. The resources of the nation will not then be exhausted at the English court, when places and pensions are conferred by the estates. The meetings of parliament will neither be obstructed nor interrupted by English councils, nor its acts deprived of the royal assent; but the grievances of the nation will be redressed by the execution of its own laws. To secure the independence of government is not alone sufficient, except by another limitation, annual elections at Michaelmas, and an annual parliament, to be held in winter, shall prevent the corruption of the estates themselves. But in vain would they provide for the security and independence of the kingdom, unless these and other limitations, under which they shall receive the same successor with England, are supported by arms. If the nation is too poor to sustain a military establishment, let it be remembered that the possession of arms is the proud distinction between a freeman and a slave. To remain unarmed till the queen's death, is to be reduced to servitude; and when the alternative of a separation from England has been once suggested, there is no protection nor safety for Scotland, unless the people are armed [12].

[12] Proceedings of Parl. 1703. Ridpath's Proceedings of Parl. Fletcher's Speeches.

The opponents of the act of security argued, that the influence of English counsels, which was too visible to be seriously denied, was the unavoidable result of the union of the crowns. The same influence had subsisted ever since the accession; nor was it less necessary to preserve an unity of counsels than a good understanding between the kingdoms, to which much mischief might otherwise accrue, were the measures adopted in Scotland hostile to the interest or the tranquillity of England. Nothing but an incorporating union could exempt the Scots from this necessary dependence; but the act of security was calculated to separate, and to involve the two nations in an unequal war. When the disposal of all places, civil and military, the nomination of judges, privy-counsellors, and officers of state, are conferred on parliament, nothing remains for the successor but the name of king. The executive and judicial powers are transferred from the sovereign, the centre of union between the kingdoms, to a committee of estates; and the principle that unites the two kingdoms under the same monarch, is thus dissolved. But if the English should refuse to communicate a free trade, the Scots must declare for a different successor, whom they are unable either to support with dignity, or, if attacked by England, to maintain upon the throne.

BOOK XI. 1703. and against it.

Such consequences had not escaped observation; nor did the country party approve unanimously

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of the proposed limitations. In these limitations the settlement obtained from Charles I. was revived; that the privy-council and officers of state should be named by the king, with consent of parliament, which was then considered as a full security for the religion and liberties of an independent nation [13]. Whatever are the evils with which it is pregnant, whether it tends to dissolve the union, or to relax the sinews and strength of an empire, we must acknowledge that to preserve the independence, or to prevent the discontent of an united kingdom, not incorporated under the same legislature, there seems to be no method but to submit the domestic administration to the choice or consent of the estates. That constitutional control on the executive, which the legislative power should possess, is lost wherever the administration is supported by external influence; and to restore an equality to parliament, additional limitations are necessary, if not an express consent to the appointment of ministers. Accordingly, the same limitations were first adopted at the treaty of Edinburgh, in the reign of Mary, to preserve the nation from the influence of French councils during her marriage with Francis II.

But the court party were adverse to every limitation on the crown. Their opposition was ineffectual; but when the act of security was carried by a majority of fifty-nine votes, the royal assent

[13] Burnet, v. 224.

was expressly refused. A bill was introduced by the earl of Marchmont, to establish the succession, under the proposed limitations, in the princess Sophia; but the settlement of the crown was premature, and acceptable to no one. The parliament was prolonged in expectation of supplies; and the prohibition against French wines was repealed, in order to restore the customs. But the members were exasperated at the refusal of the royal assent to the act of security; and on the question, liberty or subsidy, they determined, after a fierce and tumultuous debate, to proceed next day to the limitations on the crown. Some denied the authority of the royal negative, introduced since the restoration. Others professed their resolution to die free rather than to live slaves, and threatened to assert the privileges of parliament sword in hand[14]. "Better," said Fletcher, "that a popish prince "should succeed to the throne under such limita- "tions as may render the nation free and inde- "pendent, than the best protestant without limi- "tations. If we live free, it is indifferent to me, "provided these limitations are enacted, whether "a successor from Hanover or St. Germains be "named to the throne." The commissioner, intimidated by their violence, despaired of success,

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[14] Lockart, 57. Boyer's Annals, ii. 57. "We were often "in the form of a Polish diet, with our swords in our hands, "or at least our hands on our swords." Sir John Clerk's Memoirs, MS.

BOOK XI.

and adjourned the parliament without obtaining supplies.

1703. Fletcher of Salton's character.

It was in this parliament that the eloquence of Fletcher of Salton was first distinguished. Fletcher was apparently the early pupil of Burnet; but his virtues were confirmed by mature study, foreign travel, persecution, and exile. When he withdrew from the oppressive government of the duke of York, he engaged as a volunteer in the Hungarian wars; and, rather than desert his friend, embarked in Monmouth's unhappy expedition, of which he disapproved. At the revolution he returned with the prince of Orange, whose service he declined when that prince was advanced to the throne. From the study of the ancients, and the observation of modern governments, he had imbibed the principles of a genuine republican. Disgusted at William's authority as inordinate, he considered the prince as the first and most dangerous magistrate of the state, to be severely restrained, not indulged in the free exercise, or abuse of power. His mind was firm and independent, sincere and inflexible in his friendship and resentments, impatient of contradiction, obstinate in his resolves, but unconscious of a sordid motive or an ungenerous desire. His countenance was stern, and his disposition unaccommodating; however affable to his friends; but his word was sacred; his probity was never sullied by the breath of suspicion; and equally tenacious of his dignity,

and scrupulous in the observance of every point of honour, his spirit was proverbially brave as the sword he wore [15]. His schemes were often eccentric and impracticable; but his genius was actuated by a sublime enthusiasm, and enriched by an extensive converse with books and men. His eloquence is characterized by a nervous and concise simplicity, always dignified, often sublime; and his speeches in parliament may be classed among the best and purest specimens of oratory which the age produced [16]. His free opinions were confined to no sect in religion, nor party in the state. The love of his country was the ruling passion of his breast, and the uniform principle of his whole life. In a corrupt age, and amidst the violence of contending factions, he appeared a rare example of the most upright and steady integrity, the purest honour, the most disinterested patriot-

[15] The same expression is used without communication by Lockhart and Macky; but the last is peculiarly happy in his character of Fletcher. "He is a gentleman steady in his "principles, of nice honour,—brave as the sword he wears, "and bold as a lion—would lose his life readily to serve his "country, and would not do a base thing to save it."

[16] It appears from Sir John Clerk's Memoirs, that Fletcher was not expert at extemporary replies. His speeches, to be distinctly understood, must be read historically, as they refer to the different clauses of the act of security and limitations on the crown. In this view, his Conversation on Governments, written to vindicate the proceedings of this session, appears to me to be one of the best specimens of dialogue writing in modern times.

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ism; and while the characters of his venal, but more successful competitors are consigned to infamy or oblivion, his memory is revered and cherished as the last of the Scots.

Scotch plot.

The courts of France and St. Germains were not inattentive to these transactions. Among other emissaries, Simon Fraser was employed in Scotland; a man of low cunning, but of a flagitious and desperate character, who claimed the honours and estate of Lovat. He had fled from justice for a rape on the late lord Lovat's widow[17], whom, to secure possession of the estate, he had forced to consummate a pretended marriage; but the influence of her brother, the marquis of Athol, intercepted a pardon. On his becoming a proselyte to the catholic religion, his extravagant proposals were embraced and recommended by the exiled queen. He obtained a private interview with Louis, and assured de Torcy, that if five thousand French troops were landed at Dundee, and five hundred at Fort William, the highland chieftains, from whom he was commissioned,

[17] Lovat's Memoirs have been lately published, in which he denies that he ever approached the house where the dowager resided. We may judge of his veracity not only from the trial (Arnot) but from his father's letter to Argyle, (Carstairs, 434.) representing his son as advantageously married to the widow, and both living very happily together. It is amusing to read the pompous accounts of the territories, the subjects, and the wars of this highland adventurer, whose whole clan exceeded not seven hundred men.

would appear in arms with ten thousand men. The assurances of an unknown adventurer were not hastily credited, and he was dismissed with a gratuity, to procure credentials from the clans. On his return to Scotland, he was introduced to Queensberry, whom the Jacobites had just deserted in parliament, by Argyle and Leven, whose protection he enjoyed as an useful spy. Tarbet, created earl of Cromarty, Seafield and Athol, though officers of state, had abandoned the court party; and as the last had introduced the act of security, the commissioner listened with avidity to whatever Fraser's invention or resentment suggested. He affirmed that Cromarty, Hamilton, and Athol, his personal enemies, were engaged in a clandestine correspondence with the court of St. Germains; and to confirm his information, he produced a letter from the exiled queen, which had been intended for the duke of Gordon, but was addressed to Athol by Fraser himself. As the evidence was still defective, he was permitted to range through the highlands in quest of intelligence; and was furnished, for the same purpose, with passports and money to return to France. But Ferguson, a more experienced plotter, whom he met in London, discovered and communicated his designs to Athol, who complained loudly to the queen that a fictitious plot was contrived for his destruction. Fraser, on his return to Paris, was imprisoned in the Bastile; but in a few years

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he was restored to liberty, and by his services, on the accession of the Hanoverian family, he recovered the titles and estates of Lovat. At the age of fourscore he was destined to suffer on the scaffold, for his concern in the last rebellion to restore the Stuarts; but whatever his character or his crimes might be, the humanity of the British government incurred a deep reproach, from the execution of an old man on the very verge of the grave[18].

Queensberry and his friends displaced.

The Scotch Plot, as it was termed in England, when communicated by the queen to the two houses, excited the most violent disputes. The whigs endeavoured to establish, and the tories to discredit, the existence of the plot, which they represented as a political contrivance, devised by Queensberry to ruin his opponents. As some intercepted letters, and the confession of Fraser's associates, seemed to confirm its reality, the house of peers, where the interest of the whigs predominated, declared that a dangerous plot had existed in Scotland to introduce the pretender, to which nothing contributed so much in that kingdom, as the protestant succession remaining unsettled. But their interference served to obstruct the succession; and in consequence of the outcry against a fictitious plot, the removal of the duke of Queensberry became indispensable. The marquis of Twee-

[18] Lovat's Memoirs. Collection of Papers concerning the Scotch Plot. Macpherson's Orig. Pap. 1704.

dale was appointed commissioner; and as the offices of state were reserved for his numerous friends, the country party was broken and divided by the change. An administration chosen from the popular party was expected to establish the protestant succession, at present the undisguised object of the English court; and to gratify the spirit of national independence, the queen was persuaded to yield to every limitation on the successor to the crown. But the change was neither so timely nor so general as to enable the new ministers, before the session commenced, to acquire a majority in parliament, where the duke of Hamilton was ambitious to preside. Men of approved principles, long accustomed to opposition, are not suddenly reconciled to the measures of court; and the prevailing report, that the administration was still subservient to the English cabinet, was generally believed. A more injurious surmise was entertained, that the queen was secretly adverse to the succession of the house of Hanover, of which she affected to approve. The adherents of the late administration were persuaded that the present was intended only as a temporary change; and Queensberry, when dismissed from office, entered into a secret compromise with Hamilton, that if no serious inquiry were made into the Scotch plot, his friend should join in opposition to the settlement of the crown [19].

[19] Burnet, v. 225. Boyer's Annals, iii. 38. Lockhart, 102.

BOOK XI.

1704. Second session of parliament. July 18.

The administration was certainly unconscious of its own weakness at the commencement of the session, when the protestant succession, which had been delayed so long, was recommended by the queen. The most soothing expressions were employed in her letter; the most specious limitations were proffered by the commissioner; and if national independence were the only object, the nomination of ministers, or rather the supreme power under a protestant successor, might have been transferred to the estates. But it was the interest of the Jacobites to prevent the settlement of the crown; and when Hamilton, to evade the declaration of a successor, demanded a previous treaty of commerce with England, the country party were again deluded by the vast prospect of a colonial trade. Ministers represented in vain, that the queen would accede to every constitutional demand; but that without the authority of the English parliament, she could never dispense with the navigation act, nor admit their shipping to the English plantations. Whatever the opposition had lost by the defection of ministers, was gained by the accession of Queensberry's friends. They inveighed at the late interposition of the English peers in the affairs of Scotland: they deplored pathetically the unhappy situation to which the country was reduced; and after the most violent debates, they determined, by a large majority, not to appoint a successor till a commercial

treaty were obtained with England; but to proceed to previous limitations on the throne. From the profession of those free sentiments which they secretly abhorred, the Jacobites were received by the people with unexpected applause; but the resolution designed to obstruct the protestant succession, contrary to their intentions, proved the first step towards an union of the kingdoms [20].

Act of security revived.

The country party were elated with the triumph. Instead of proceeding to frame limitations, or to appoint commissioners of their own for the treaty, they addressed the queen against the undue interference of the English peers: they requested the documents of the plot to be transmitted to the estates; and revived the act of security, which, with some alterations, was conjoined with the supplies, in order to insure its success. Nothing more was requisite to reduce the administration to the utmost distress. The supplies provided by the convention parliament had been long exhausted. A large arrear was incurred to the army, which was unable to subsist without immediate pay. The treasury was notoriously exhausted; and such was the spirit of national independence, that the remittance of pay from England, which it was impossible to conceal, would have excited dangerous tumults, and might have been rejected as a foreign, and therefore an ignominious subsidy, by the troops themselves. The alternative

[20] Lockhart, 106—21; and Sir J. Clerk's Notes, MS.

BOOK XI. 1704.

was unavoidable; to confirm the act of security, or to disband the army; but when the queen was consulted, her English ministers were also perplexed. The act of security, which was replete with danger, provided conditionally for a separate successor, and threatened to arm the whole kingdom in his defence. But the danger in disbanding the army was immediate. The disaffected formed a numerous part of the nation; and the discoveries respecting the late plot excited serious apprehensions of an invasion from France. The highlanders, almost the only part of the nation possessed of arms, were the most disaffected; and, as they might be expected to revolt, the chief argument for arming the people under the act of security, operated with additional force against disbanding the troops. The act of security was preferred, however, as a contingent evil, the inconveniences of which might be removed in time[21].

But Godolphin the treasurer, whom the queen chiefly consulted, is supposed to have recommended the act from a refined policy, that the English, alarmed at the probable separation of the two crowns, might accede with less reluctance to an union with the kingdoms, in order to preserve the protestant succession and the empire entire[22].

[21] Burnet, v. 227. Cunningham's Hist. i. 413. Lockhart, 125.

[22] "The queen was advised to give her consent to the act, as the most effectual measure to bring about the union, for it

BOOK XI. 1704. and passed

After a short adjournment, the act of security was accordingly passed. The estates, in return for six monthly assessments, were authorized to meet on the queen's death; and were enjoined to declare a successor of the royal line, and of the protestant faith; but not the same who should succeed to the throne of England, unless the religion, the liberties, and the trade of the nation were previously secured[25]. When the princess Sophia and her descendants were thus conditionally excluded, the next prince of the royal line and the protestant faith was Hamilton himself, who was descended in the seventh generation from a daughter of James II. and from this moment it is supposed that a gleam of distant royalty burst upon his mind. The attachment which he had hitherto maintained towards the exiled family, was shaken and subverted, if we may believe the Jacobites, by the remote and visionary expectation of a crown[26]. It is certain that his future efforts

so terrified the English that they easily came into it; that thereby the succession might be settled in the house of Hanover, and so all dangers were removed which by this act were threatened. This observation I make from very good authority, and that it was the earl of Godolphin who advised the queen to consent for the above purpose." Sir J. Clerk's *Notes on Lockhart's Mem.*

[25] The clause relative to the freedom of the plantations was read and voted, but by some artifice was omitted in the act. *Sir J. Clerk's Memoirs and Hist. of the Union, MS.*

[26] Macpherson's Hist. ii. 359. Hooke's Negociations.

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were not unfrequently relaxed by a secret connivance with the court party; but whatever was ambiguous or irresolute in his conduct, may be more truly ascribed to some selfish motive of interest or of revenge. Rather than communicate to Queensberry and Seafield a personal share in the treaty with England, he refused to concur with their friends in appointing commissioners; and the opportunity to secure the nomination of his own party before the parliament adjourned, was irretrievably lost [25].

Its effects in England.

When apprized of the act of security, the English were alarmed and roused from their profound indifference towards the Scots. It was considered rather as an act of exclusion, for the separation of the kingdoms; and as every fencible man was ordained to be armed and disciplined, by the landlord or magistrate, the most lively apprehensions were excited in England. A separate succession was the least danger to be apprehended. The Scots were poor and discontented; and to their opulent neighbours, if suffered to arm, they would become the more formidable from their poverty and their discontent. The most extravagant reports were propagated, of vast quantities of ammunition and arms procured from the continent; and as these appeared irreconcileable with

[25] Lockhart, 127. Had he and Athol consented to admit Queensberry and Seafield, they might have secured twenty-two out of the twenty-four commissioners.

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their poverty, the assistance of foreign powers was the more firmly believed. The alarm was industriously increased by the tories, for the removal of Godolphin; while factious writers, to exasperate the two nations, revived the obsolete and exploded doctrine of the supremacy of England over the Scottish crown, and proposed the reduction of the kingdom by force of arms. The wiser part of the English had little apprehension that the Scots would persist in their act of security, or that they could subsist, after the intercourse of a century, as an independent kingdom, under a separate monarchy, unconnected with England. But the danger of a disputed succession was obvious, if the crown should remain unsettled till the queen's death. When recalled by his adherents, if their violence should prevail in Scotland, the pretender would enter England with foreign auxiliaries, and renew the destructive alliance and incursions of the French and Scots. The transactions of the civil wars were not yet forgotten; and the Scots, from their vicinity to the coal counties, might obtain in a few days the command of the capital. But the wiser part of their nation deprecated an event which would revive the scenes of the grand rebellion, and unless the pretender were seated in both kingdoms, would expose their country to a second conquest, at a time when the arms of England were every where victorious, and even far more formidable

BOOK XI. 1704. than when directed by Cromwell. Moderate men of each nation were desirous of a permanent remedy for these evils; and the purpose of the act of security, from the alarm which it excited, was already partly accomplished, inasmuch as it inclined the English to assent to the demands of the Scots [26].

1705. Acts against the Scots. An inquiry was first introduced in the house of peers, to discover by whose advice the act of security had obtained the queen's assent. As the absence of morals, in a refined and dissolute age, is supplied by a fastidious affectation of sentimental delicacy; so at a time when the influence of the English cabinet was never more conspicuous, nor more predominant in Scotland, the inquiry was plausibly opposed, as an irregular interference, which might provoke the jealous indignation of the Scots. More moderate, yet compulsive, measures were recommended. The queen was empowered to appoint commissioners for an union of the kingdoms; but the Scots were declared aliens, if their parliament should neither accede to a treaty nor adopt the Hanoverian succession within a year. The importation of their cattle and linen was conditionally prohibited. Cruisers were appointed to intercept their trade, and to prevent the exportation of their wool to France. An address was presented to the queen, to repair

[26] Burnet, v. 230. Sir J. Clerk's Observations on the State of Scotland, MS.

and garrison the fortifications of Berwick, Carlisle, Newcastle, and Hull. Regular forces were quartered on the borders; and as if the Scots were already in arms, the six northern counties were exhorted to prepare for defence[27]. Conciliatory were thus intermixed with compulsive measures; but there was reason to apprehend that these would rather serve to exasperate than to intimidate or to reconcile the Scotch to an union. BOOK XI. 1705.

In the mean while an incident occurred, by which national animosities were mutually inflamed. An English interloper, returning round the north of Scotland from the East Indies, was seized at the instance of the Darien company, as a reprisal for a ship which the East India company had confiscated in the Thames. From some unguarded expressions of the seamen, suspicions arose that they had captured another vessel sent by the Darien company to the East Indies, and had murdered the captain and his whole crew. They obtained a legal but not an impartial trial. Their captain and thirteen seamen were condemned to death for piracy and murder, on the evidence of a single black, corroborated however by some presumptive circumstances; but there was no proof that it was the company's ship which they took, or its crew whom they massacred. On the day of execution, the populace, apprehensive of being de- Execution of Green.

[27] Boyer. Burnet.

BOOK XI. 1705.

frauded of their revenge, surrounded and threatened to force the prison, insulted the privy-council, pursued and endangered the chancellor's life; nor were they pacified till the sentence was inflicted upon Green the captain, and on two of his crew. The rest, after a long imprisonment, were dismissed because the evidence was considered as defective. But the rage and insults of the populace were productive of the keenest resentment in England; the sentence and execution of Green were ascribed to national animosities; and the antipathy, mutually kindled, admonished government that an accommodation between the two kingdoms should no longer be deferred [28].

Change of administration.

The feeble administration of Tweedale was therefore dissolved, and Queensberry was restored with his friends to office. As his conduct in the late plot was still exposed to inquiry, the duke of Argyle, a young, ambitious soldier of the most promising expectations, was appointed commissioner to parliament, with instructions to establish the same protestant succession as in England; or, if that should be found impracticable, at least to procure an act for a treaty of union. A treaty with England was a popular and indefinite measure which it was difficult openly to oppose; and if some were desirous to introduce the succession indirectly, by a previous union, others expected

[28] Green's Trial. Arnot's Criminal Trials. Sir J. Clerk's Hist. MS.

that the treaty would be prolonged for years, and the succession deferred. But the settlement of the crown was a question of which the event was the more doubtful, as the late ministers, who refused to adhere to the opposition that deserted, or to the court that dismissed them, formed a distinct party, which acquired the cant name of the *Squadroné Volanté*, and affected to trim between, and to incline the balance to either side. BOOK XI. 1705. Squadroné party.

Soon after the session commenced, the duke of Hamilton resumed his motion, that the succession should be deferred till a commercial treaty were concluded with England, and the independence of the nation secured by proper limitations on the crown. His motion was carried, as formerly, by the aid of Queensberry's friends; and as no expedient but an union remained for the settlement of the crown, the Jacobites became unconsciously accessary to that event. They proceeded to frame limitations; to obstruct, if unable to prevent, the succession of the house of Hanover. On Queensberry's arrival they were deserted by his friends; but the *Squadroné* party concurred in an act that the judges, the privy-counsellors, and the officers of state, should be named in parliament after her majesty's decease. By another bill, ambassadors were ordered to attend, and provide for the interest of Scotland in foreign treaties, wherein the country had been uniformly overlooked and neglected since the union of the crowns. An act Third session of parliament.

BOOK XI. 1705.

for triennial parliaments was also introduced, but the court party endeavoured to suspend its operation till the queen's death; and in a bill to shorten the duration of parliaments, the Jacobites, apprehensive of their own seats, consented to prolong the present parliament for three years more. But these acts never obtained the royal assent [29].

Act for a treaty

The treaty with England, for which the settlement of the crown had been thus postponed, was resumed on the motion of the earl of Mar. The Jacobites concurred in a popular measure, suggested by themselves to retard the succession; but they endeavoured to limit, and to frustrate a treaty which was neither intended nor expected to succeed. The duke of Hamilton moved, "that the "union should no wise derogate from any funda-"mental laws, ancient privileges, offices, rights, "liberties, or dignities of the nation." On former occasions, the same resolution had been invariably employed to prevent an union; but in popular assemblies it is the ostensible, rather than the real motives of parties that are discovered in their debates. The ministers durst not oppose the clause as inconsistent with an union; nor durst the opposition avow their design to obstruct its success. The former resisted the motion as expressive of an undue distrust of the queen; and as inconsistent with those ample powers which the

[29] Lockhart, 145.

English parliament had conferred on her commissioners. The latter maintained that some things were too sacred to become the subject of a treaty; that the preservation of their national independence was the more necessary, from the present influence of English councils, and should neither offend the queen, who from her absence must be less acquainted with their constitution and interests, nor the English parliament, by whom the government of the church was expressly reserved. The question was decisive of the intended union; but by the absence of some, and particularly by the defection of the old earl of Aberdeen, the motion was rejected by a majority of two votes. Another clause was proposed by Athol, that the commissioners should neither leave the kingdom nor engage in a treaty, till the acts declaring the Scots aliens, and their trade illicit, were repealed in England. The Jacobites expected that the obstinacy of the English parliament might frustrate an union; and Fletcher, ever independent in his conduct, opposed the treaty as ignominious, unless these hostile laws were previously repealed. But the motion was artfully evaded by an address to the queen, to procure a repeal of the acts before the treaty should be suffered to commence[30].

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The last hopes of the country party were placed in the choice of commissioners, which Hamilton, in the former session, had neglected to secure. The

of union with England.

[30] Lockhart, 154. Minutes of Parliament.

BOOK XI. 1705.

question was of the highest importance to the kingdom. If appointed by parliament, the commissioners might frustrate or retard an union; if they were selected by the queen, the interest of the country might be betrayed to England; and so sensible was the English parliament of this advantage, that the Scots, although they should accede to an union, were to be reputed aliens unless the queen should be entrusted with the choice of commissioners. When the members, wearied with the preceding debates, had begun to retire, Hamilton, acting in secret concert with Queensberry, proposed unexpectedly, at a late hour of the night, that the nomination of commissioners should be referred to the queen. His motives were sufficiently obvious to his friends. From the late, frequent creations of peerages, a majority of the nobles was devoted to the crown. Apprehensive of being rejected by his own order, if the commissioners were chosen by their respective estates, he was content to sacrifice the interests of his party to a fallacious assurance of obtaining a personal share in the treaty, if the queen were empowered to appoint the commissioners. His party were struck with consternation. Some abandoned the house in despair and rage, exclaiming that it was in vain to stay where they were deserted and betrayed. Others retorted his own arguments, that to leave the nomination to the queen, what was it else than to surrender their country to the Eng-

lish cabinet, whose ministers were thus enabled to appoint commissioners for both kingdoms, and to dictate their own terms to Scotland? The court party, instead of answering their arguments, persisted in a vote. From the absence or the defection of their members, the queen was empowered by a slender majority of eight votes, to appoint commissioners for a treaty of union, with the reservation of the government and the worship of the established church. Nothing remained for opposition but an unavailing protest; and Argyle returned with the credit of having surmounted and broken the factions in parliament, by a prudent management, unexpected from his years [31].

State of the country.

It may be necessary at the present conjuncture, to give a short explanation of the situation of the country, and of the motives of the statesmen in both kingdoms, previous to an incorporating union with England. The dependence of government upon the English cabinet, however unavoidable, was a just cause of complaint. The parliament was not unfrequently directed by its influence; and was never assembled except to grant supplies. The privy-council, however arbitrary, had, in consequence of the interposition of parliament,

[31] Lockhart. Clerk's Memoirs, MS. Cunningham's Hist. i. 425. From the protests of the country party, including the squadroné, it appears that they consisted of twenty-five peers, thirty-five barons, eighteen burgesses, who were present in the former vote.

BOOK XI. 1705.

become comparatively mild, and was calculated to preserve a decent appearance of civil authority and the public peace. The treasury and exchequer were exhausted under the management of rapacious statesmen. Trade was too inconsiderable to furnish a revenue adequate to the necessities of the state. The exportation of wool, though prohibited, as injurious to those coarse and infant manufactures which were insufficient for the domestic consumption of the article, was again permitted in opposition to England, as one of the principal branches of foreign trade. Linen, the next article of exportation, was discredited by frauds; the introduction of cattle and sheep into England was conditionally prohibited; and the remaining articles of exportation were worsted stockings, a late manufacture, corn, hides, and the produce of the fisheries, and of the mines. The shipping that appeared in the harbours were chiefly Dutch [32], French wines, Dutch goods, flax, lintseed, silk, and English cloths, were imported in return; but as these were articles of domestic consumption, the scarcity of money was ascribed to a small an-

[32] The shipping of Scotland is supposed to have increased from 215 vessels or 14,485 tons, prior to the union, to 1123 ships or 50,232 tons, before the year 1712. But the Scots, instead of employing Dutch ships as formerly, were obliged, by the navigation act, to procure ships of their own. The increase of shipping, otherwise incredible, argues no proportionable increase of their former trade. Chalmer's Estimate, 201. 8vo.

nual loss on the balance of trade. Law, the author of the Mississippi scheme, proposed to remedy the supposed scarcity, by the institution of a national bank, in order to issue notes, to an unlimited amount, for security upon land; but the committee of trade, to whom it was referred by parliament, had the good sense to reject a project which was afterwards introduced into France with the most pernicious effects. But the scarcity of money was an exaggerated complaint. Notwithstanding the losses of the Darien company, the gold and silver in circulation amounted almost to a million sterling; a sum unequal, perhaps, to the visionary schemes and demands of projectors, but sufficient to employ whatsoever industry the nation possessed [33]. The decline of credit, and the improper application of the capital were more severely felt. The landlord generally aspired to the peerage; the merchant who had acquired an inconsiderable capital, and the pedlar who returned with a small stock from abroad, hastened to sink their money in the purchase of lands; and their funds were invariably withdrawn from trade, or the support of industry, as their sons were educated either lawyers or divines [34]. But the scarcity of

[33] Ruddiman's Pref. to Anderson's Diplomata. Sir J. Clerk's Testamentary Mem. MS.; Observations on the State of Scotland before the Union, MS.

[34] Advantages of an Incorporating Union, 5. 12. Interest of Scotland, in three Essays, by Seton of Pitmeddan, p. 75.

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money was ascribed to the want of a proper market for the produce of the country, which, if once admitted into the English colonies, might be exchanged for commodities fit for exportation, and more beneficial than articles of mere consumption. A commercial alliance, and federal union with England under separate parliaments, like that of the Dutch states, or of the Swiss cantons, were impatiently solicited; and the settlement of the crown upon the House of Hanover, was considered as an ample recompence for a communication of trade. From the former instability of their church, the presbyterians were sincerely attached to the protestant succession; and the Jacobites alone, who had encreased considerably during the present reign, were hostile and utterly irreconcileable to an union, on account of the advantage which the whigs acquired in the settlement of the crown[35].

Motives of statesmen.

But the nation was not more desirous of a federal, than from the implied surrender of its legislature, its revenues and its ancient independence, it was adverse to that entire, and incorporating union, to which the statesmen in each kingdom extended their views. Godolphin, from whatsoever motives of policy or necessity, had procured

Of Godolphin.

The Scotch pedlars in England were computed at 2500, whose packs of linen and lace were worth from one to two hundred pounds sterling a piece. Right of Succession, 3.37.

[35] Sir J. Clerk's Observations, MS.

the queen's assent to the act of security, which it was requisite now to remove; and were we to believe his enemies, an union was proposed to preserve the prime minister of England from impeachment. His influence had failed to establish the protestant succession, which, even when adopted, would remain insecure while a separate parliament existed in Scotland. An incorporating union comprehended the succession, and would annex that kingdom to England for ever. It was the interest of the English parliament to extend and to perpetuate its influence in Scotland; and as one parliament was more easily managed or controlled than two, it was the obvious policy of the English minister to simplify the complicated operations of government. But the advantages of an incorporating union to England, were the additional empire, the population and power which it procured, and above all, the internal and profound security which it promised amidst external wars. To the whigs it was recommended by nobler arguments; the danger which the liberties of each nation might incur, under an ambitious prince, from a divided state; and the uniform policy of the Stuarts to render the one kingdom instrumental in enslaving the other, was still present to their minds. To the nation in general it was recommended as an adequate and necessary security for the protestant succession, and as a real accession of territory and of strength.

Of the whigs.

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A fairer opportunity might never occur to prevent the danger of future dissensions, and a renewal of the destructive hostilities of former times. From the victorious career of the English arms, the war itself was propitious to an union; nor was the queen insensible to the glory of achieving what the most illustrious of her predecessors had attempted in vain.

Proposed advantages of an union to Scotland.

The same security was promised to each kingdom against a faction dangerous to its internal repose. The gradual approximation of the Scots, during the preceding century, towards the language and manners of the English, had already fitted and prepared them for an union; and though their ecclesiastical institutions were different, ecclesiastical conformity was no longer the subject of national solicitude, or the source of misery; and even religion itself had begun to be disregarded for commercial pursuits. A free trade promised to relieve their poverty, and to invigorate their industry; and if it were insufficient to retain at home, the adventurers who still continued to overspread the continent, the English service and plantations presented a wide field for the most enterprising ambition. The admission of the Scots to a free constitution, more nicely balanced than their own, and endued with that venerable stability which time alone can confer on governments, might dispel the factious turbulence of the nation; might prevent the danger of relapsing

into despotism, as in the preceding reigns; might introduce a purer administration of justice; and dissolve the rigours of the feudal system, which still prevailed. The immediate advantages, however, of the union, were the introduction of their cattle and linen into the English market, free from imposts, from which a capital might at length be accumulated for trade, and for the improvement of land. But a proportion of the stock and trade of England was vainly expected to migrate to the north, and to establish manufactures; to emancipate the peasant from his oppressive landlord; to encrease the produce and the value of estates; and to supplant the Dutch in the herring fishery, which a poor nation, whose inconsiderable capital requires an exuberant profit, is seldom able to prosecute with much success. Apprehensive, perhaps, of the same consequence, the removal of manufactures, the English cabinet was determined never to admit the Scots to a commercial intercourse, without an incorporating union in return; lest the nation should afterwards disunite, and separate from England, when enriched by its trade[36].

Real motives of its ministers.

But whatever national advantages were proposed or expected, to resign the treasury, the honours, the emoluments, and the entire administra-

[36] Carstairs's State Papers, 743. Essays at removing national prejudices, by De Foe. Letter on the reception of the Treaty of Union, by Sir J. Clerk.

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tion of the kingdom for ever, was a sacrifice hardly to be expected from the most disinterested patriots, much less from the venal statesmen whom Scotland produced. It is not solely from the ostensible benefits proposed for their country that their motives are to be appretiated, but from the secret advantages procured for themselves. Their stability was doubly dependent, first on the duration of parties in the English cabinet; then on the management of the Scottish parliament, which was always precarious, and not unfrequently productive of a change of administration. Queensberry and his friends had been dismissed from office; the earl of Stair was proscribed by the public hatred. Wearied with the vicissitude of parties which each minister had alternately experienced, they expected greater stability from the English cabinet, when relieved, by an incorporating union, from their present dependence on the Scottish parliament. The whigs in England, with which Queensberry was united, appeared to be firmly established in power. If he were permitted to govern by means of the privy-council, without a parliament, whose control is odious to every administration, his authority might be equally prolonged with theirs. All opposition would be extinguished with parliament[37]; and if the chief offices of state were preserved, whatsoever was lost by his friends in the disposal of honours, or

[37] Carstairs, 738.

in the management of an exhausted treasury, was of little value when compared with the immense prospects that opened to their ambition in England. Instead of the paltry objects of domestic faction, they might expect a share of the great prizes dispensed from the state lottery of English politics, with a certainty proportioned to their means of success. A profuse distribution of titles, to create an interest in parliament, had sunk and degraded the ancient nobility; but an hereditary, or an elective seat in the English parliament, was a distinguished honour to which few could aspire. Whatever were the share of representation to be acquired by Scotland, its members would form a distinct party, attached to its minister; and from the interest thus introduced into the English parliament, they might perpetuate his credit with the English minister, and secure the most extensive preferment to himself and his friends. An incorporating union was therefore embraced, not only to render their authority permanent at home, but with the more ambitious design of acquiring, from the united interest of Scotland, a numerous party in the English parliament.

BOOK XI. 1705. 1706.

Such were the secret motives of Argyle and Queensberry, to whom, in conjunction with Godolphin, the choice of commissioners was referred by the queen. But the conditional acts, declaring the Scots aliens, and prohibiting their trade with England, were first repealed. The marquis of

Commissioners for the Union.

BOOK XI. 1706.

Annandale proving refractory, was dismissed from office, and replaced by Mar as secretary of state; a nobleman zealous for the union and the protestant succession, but at a subsequent period hostile to both. Thirty-one commissioners for each kingdom were then appointed to meet in London; but the succeeding treaty evinced, in the most important articles, that in consequence of the queen's nomination of commissioners, the English cabinet was enabled to prescribe its own terms to the Scots. Their commissioners were chosen with an artful intermixture of each party, that their concurrence in the union, which was previously secured, might abate the opposition of their friends in parliament [38].

Treaty begun.

When the commissioners met at the cockpit, the first proposal was made by the English, that the two kingdoms should be united into one, by the name of Great Britain, under the same legislature and line of succession, according to an act passed in England for the limitation of the crowns. The Scots requested a short delay; and from the preference of an incorporating to a federal union,

[38] Burnet. Sir J. Clerk's Hist. MS.; and Observations on Lockhart, MS. Lockhart, the only professed Jacobite, was named as lord Wharton's nephew, of whom there were some hopes. Cockburn of Ormiston, Dundas of Arniston, had belonged to the *Squadroné*; Seton of Pitmeddan, and others, to the country party: but the duke of Hamilton was industriously excluded.

the noblest, and apparently the most disinterested and specious objects of public utility, coincided with the sordid schemes of a few ambitious statesmen [39]. Sensible, however, that their nation was adverse to an incorporating union, and desirous only of a communication of trade, they determined to make one overture, in order to convince the people, that they did not acquiesce precipitately in whatsoever terms the English prescribed. They proposed that the same succession should be established in both kingdoms, and that the subjects of each should be admitted in the other to all the privileges and rights of natives, and to a free intercourse, and full communication, of navigation and trade. At the same time an intimation was given, that an incorporating union was not rejected; and the English declined the consideration of a proposal obviously not intended to succeed. Among the Scottish commissioners some proposed in their private consultations, to renew their demand at the next meeting; that if the English remained inflexible, they might recede, themselves, with the less disgrace. Whether to adopt a federal, or an incorporating union, was no part of the question, but how to yield; and in order not to interrupt the treaty, it was determined that their concurrence should no longer be deferred. Their assent to an entire, and incorpo-

39 Sir J. Clerk's Hist. MS.; Letter on the reception of the Union.

BOOK XI. 1706.

An incorporating union preferred.

rating union, under the same legislature and line of succession, was attended, of course, with a reciprocal communication of the rights of citizens and of a free trade [40].

Equalizing taxes.

But an incorporating union required mutual contributions; a participation of commerce implied equalizing taxes; otherwise there was some reason to apprehend, that the manufactures and trade of England might be transferred to the north. The subject in every respect was important and difficult. To submit to the same imposts with England was unavoidable; but there were some which the poverty, or the impatience of the Scots was unable to sustain. When the finances of each state were examined, their commissioners were astonished at an immense, and increasing debt of eighteen millions, which was deemed not less enormous then, than insignificant at present, and little more than sufficient to defray the annual interest of our national debt. They were consoled, however, by the revenues of England, almost six millions, which promised, by the frugality of a few years of peace, to extinguish the national debt, however large its amount [41]. Their own revenues, which scarcely exceeded an hun-

[40] Sir J. Clerk's Hist. Journal of the Treaty, MS. Observations on Lockhart, p. 206. De Foe's Hist. 118.

[41] Sir J. Clerk's Hist. MS. The funded debt amounted to 17,763,842*l.* but with the unfunded debt it was supposed to exceed 20,000,000*l.*

dred and ten or twenty thousand pounds, consisted of six monthly assessments, or a land-tax of thirty-six thousand pounds; sixty-three thousand pounds, for which the customs and excise were farmed; and the crown rents and incidents of a precarious amount. These inconsiderable revenues however were neither anticipated nor appropriated to the public debts; and might be expected to increase when the same taxes were imposed as in England. But the Scottish parliament never would have submitted to the same land-tax, which, as the valued and real rents of estates had varied much less than in England, since the usurpation, would have more nearly amounted, at four shillings in the pound, to a fifth part of the actual rent[42]. A new valuation was acceptable to neither kingdom. A proportional equality was therefore adopted, according to the highest rates established in each. When the land-tax in England was at four shillings in the pound, the proportion fixed for Scotland, at the rate of two months' assessment for each shilling, was forty-eight thousand pounds, as the utmost ever granted in preceding reigns. In assenting to the same imposts, the Scottish commissioners applied, through every avenue, to obtain an exemption from the excise in ale. The English were tenacious of their general argument, that without equalizing taxes, the manufactures of a

Land-tax.

Excise.

[42] De Foe's Hist. 129. Essays at removing national prejudices, ii. p. 14.

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poor nation, where subsistence was of a cheap and inferior quality, would be produced at a cheaper rate, to the detriment of theirs. A distinction was discovered and reserved by the Scots, to relieve their ale from the English excise [43]; but they were careful to stipulate for an exemption from stamps, and from the taxes on coals, windows, births, burials, and marriages, as oppressive or vexatious, that expired at farthest within four years. The taxes on malt and salt, from which they demanded a perpetual exemption, excited the chief dispute. The former tax subsisted from year to year; the latter was to be suspended in Scotland for seven years; and the Scots acquiesced in a temporary exemption from both, on the assurance that a British parliament could have no temptation to impose on the kingdom when united, an unnecessary, or oppressive burden which it was unable to sustain [44]. But the customs and excise of England were partly anticipated, or appropriated for some years to the public creditor; and an *Equivalent* was proposed in money, for the application of the Scottish revenues to the national debt. As the same imposts required the same laws with England, for the regulation of trade, a new court of exchequer was necessary for questions of revenue; but the courts of session and justiciary were preserved entire. *Heritable* jurisdictions and offices were reserved; and the con-

[43] Clerk's Hist. [44] Id. De Foe's Hist. 137.

stitution of the privy-council, for which it was impossible directly to stipulate, was referred to the queen, to be continued till altered by the British parliament.

Representation.

While the equivalent remained to be calculated, the English proposed, as a full and adequate representation, that thirty-eight members should be returned from Scotland to the united parliament. The Scots entertained no hope that the English would consent to diminish the number of their own representatives; much less that they would admit the whole parliament of Scotland to be conjoined with theirs. But an ignominious proposal, to admit scarcely a fifth part of its representatives to the English parliament, excited a loud and indignant burst of surprise[45]. Four days were spent in private consultations before a conference was demanded. Under the pretext of guarding against national animosities, the treaty hitherto had been conducted in writing, to prevent public or free discussion; and the English, apprehensive of mutual altercation, were still unwilling to enter into a conference which it was impossible to decline. They maintained that some proportion was to be observed between the share of legislature and the burdens of government, but that the Scots, who were to contribute less than a fortieth part of the land-tax, would obtain a thirteenth part of the re-

[45] Ingenti fremitu ac indignatione. Sir J. Clerk's Hist. Imperii Britannici, MS.

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presentation in return. They were told that population, not wealth, was the basis of representation; that the Scots, whose contributions to government might be expected to increase, amounted at least to a sixth part of the inhabitants of Britain; but that regard should also be paid to their dignity, as an ancient nation proud of its independence, which they would never surrender, to be degraded by a representation less than that of a single county in England[46]. Sixty-six members from Scotland would have furnished, without any detriment to the English parliament, an adequate representation for each county and county town. The commissioners were desirous of sixty, which, from their servile apprehensions of a refusal, they did not dare to propose[47]. A greater proportion was absolutely necessary, not merely to gratify the ambition of Scottish statesmen, but to render

[46] The population of England did not exceed six millions; that of Scotland, exaggerated by De Foe to two millions, was estimated by Seton of Pitmeddan at 800,000 before the Union. Three Essays. But the population of Scotland in 1755 amounted to 1,265,380. At present it is 1,526,692. A population of 800,000 at the union supposes an increase of 465,000 in fifty years; whereas, during forty years of far greater prosperity, the increase was only 261,000. At the union, therefore, the population of Scotland was probably a million, of which Fletcher supposes that two hundred thousand were common beggars; as if, said Adam Smith, there was even provender for such a number then.

[47] Sir J. Clerk's Journal of the Treaty, MS.

the union less unacceptable to the Scottish parliament; nor was Godolphin indifferent, perhaps, to an accession of members that strengthened the influence possessed by the crown. Whatever latent jealousy of the court was entertained by the whigs, it appears that lord Somers, the chief author of the plan of union, was careful not to admit a number from Scotland sufficient to create a national faction in the English parliament. From a thirteenth its representation was cautiously enlarged to a twelfth part of the united parliament, as a medium, perhaps, between the different proportions of population and supplies. To obviate every obstruction to an union, the English proposed that forty-five members should be admitted to the house of commons, *and no more*; and as the same proportion was necessary among the lords, that the quota for Scotland should be sixteen peers[48]. The Scottish commissioners, after three days spent in useless consultation, received a private intimation that it was in vain to deliberate; that they must determine either to interrupt the treaty, perhaps for ever, or to submit implicitly to the conditions prescribed. Some proposed to refer the share of representation to the estates;

[48] The proportions seem to have been adjusted thus:

Commoners	513	Peers,	185
	45		16
	45)558(12		16)201(12
	8		9

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but Godolphin interposed to dissuade a measure which might disappoint the union; and as the question remained entire for parliament, the commissioners were induced, by the authority of their statesmen, not to frustrate the treaty by the refusal of their assent [49].

Motives of the peers.

Above two thirds of the representatives of Scotland were thus excluded; not above a tenth part of its nobility was admitted to parliament [50]: but it may be difficult to conceive by what arguments such commissioners as were peers, were persuaded to relinquish their hereditary seats, the most distinguished privilege attached to their rank. The prospect of an exclusive seat for sixteen in the British parliament, might gratify the prime nobility, whom it promised to aggrandize in the same proportion that the rest were degraded. The decayed nobility might rest satisfied with the other privileges of British peers; of which an exemption from personal arrest was not the least considerable. But the commissioners were secretly assured that a temporary disproportion would be removed by prerogative. Argyle's success in the last session of parliament had been rewarded with an English peerage, both as an earnest and as an example to others; and the commissioners who were peers, acquiesced in the queen's

[49] Sir J. Clerk's Hist.

[50] The commons in the Scottish parliament were 160, the peers 145.

promise, confirmed by her ministers, that they should themselves be advanced to the same dignity, to which the whole nobility of Scotland might be admitted in time. To avoid an invidious opposition to the court, the earls of Sutherland and Roseberry, the most incredulous or obstinate, were content to yield [51]; and when the commissioners forbore in their answers, to insist on a larger proportion in either house, little doubt can be entertained that the interests of their country were commuted for objects advantageous to themselves.

Equivalent.

But the success of the union was expected from the proper application of the equivalent; the amount of which was computed at three hundred and ninety-eight thousand pounds, to be paid by England, for the customs and excise of Scotland, so far as these were appropriated towards the discharge of the national debt [52]. A capital was thus proposed to be transferred to Scotland for the prosecution of trade. At the same time, nothing

[51] Sir J. Clerk's Hist,

[52] According to the application of the same duties in England, 22,874*l.* appropriated each year to annuities that expired in 1710, were estimated at 68,931*l.* The yearly sum of 21,823*l.* was appropriated to annuities for ninety-nine years, and, at fifteen years' purchase, was estimated at 329,154*l.* The rest of the customs and excise were applied proportionably with the English, to the civil list and the national expence. Minutes of the Treaty. Essay on the 15th Article, by Sir J. Clerk.

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would be lost to England, as the loan would be restored with interest, in fifteen years. The public debts, which consisted chiefly of arrears, were to be discharged by the equivalent; and the Darien stock, which had sunk so low that it was considered as lost, was to be repaid with interest, and the company to be dissolved. But the distribution of the equivalent among the discarded statesmen, and the families involved in the Darien company, was left undetermined, in order to create the greater expectation and influence in parliament [53]. The surplus was applied to reduce, or rather to restore the coin to the English standard; the increase of the revenue in consequence of the additional duties introduced by an union, was bestowed for seven years upon fisheries, manufactures, and other objects of national improvement. The same weights and measures were appointed, and the same seal for public transactions. The laws of Scotland, respecting public and private rights, were preserved; with this difference, that the former might be reduced to an uniformity through the united kingdom, but the latter were to receive no alteration except for the evident utility of the subject. Religion was the only subject reserved from the treaty; and when the conditions were digested into twenty-nine articles, for the consideration of each parliament, the first

[53] De Foe's Hist. 153—80. Darien stock sold even after the treaty at 10 *per Cent.*

of May, in the succeeding year, was the day prefixed for the commencement of the union.

Queensberry high commissioner.

The articles were kept a profound secret, to prevent opposition; and we may believe that every preparation was made to secure the approbation of the Scottish parliament [54]. The military, as well as the civil establishment, was rendered subservient to parliamentary interest; but the chief reliance was placed on the address and influence of Queensberry the commissioner. His disposition and manners were mild, affable, and insinuating; peculiarly adapted to conciliate adherents; and though incapable of steady application to business, he was prudent, cool, enterprising, and resolute; careless or rather lavish of money, and expert in all the arts and intrigues of court. His possessions were extensive, and his connexions numerous and powerful in each kingdom. A long residence at the English court had effaced his national attachment to Scotland; and he was instigated both by ambition and resentment, to perpetuate his own power by an union, and to extinguish the hopes of the Jacobites, and the interest of the country party, by whom he had been formerly deserted and displaced. By the intervention of Mar, he procured a secret intercourse with the duke of Hamilton, whom he knew how to intimidate, or to dissuade from the most important designs. But the balance in parliament was retained by the Squadroné, on whom the success of

[54] See Note VI.

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the union depended; and the strongest proof of his talents and address is the support which he derived from a hostile party, recently supplanted in power, who detested him and were impatient to supplant him in return[55].

Public apprehensions and suspense.

While the articles were industriously concealed, the nation remained in a state of silent expectation; not averse from a federal union, yet suspicious of a treaty which the commissioners were afraid or were ashamed to divulge. The Jacobites alone were alarmed at the settlement of the crown. It is not sufficient to affirm that their measures had miscarried; as every measure which they adopted, had contributed, by a strange fatality, to counteract their designs. The outcry excited at the loss of Darien had terminated in the act of security, which rendered an union equally necessary and acceptable to England. The settlement of the crown under every limitation, was deferred till a commercial treaty should be obtained with England; and thus they were themselves accessary to the introduction of a treaty productive of an union, and of the protestant succession which it was meant to retard. In the present extremity they implored the aid of the French court; but its finances were reduced so low by the recent victories of the allies at Ramillies and Turin, that no supplies could be spared to support an inconsiderable party in Scotland[56].

[55] Sir J. Clerk's Hist. MS.; Notes on Lockhart.

[56] Sir J Clerk's Notes on Lockhart, 297.

BOOK XI.

Such were the apprehensions and the suspense of the nation, when, in October, the concluding session of its last parliament was held. The advantages of an entire union were recommended by the queen, whose letter was enforced, as usual, by the commissioner's speech. When the treaty was produced and read, the parliament adjourned for a few days till the articles were printed. But the treaty was no sooner published, than the passions and apprehensions of the people, soothed and retained so long in a state of painful suspense, burst into an universal outcry against the union, which excited nothing but disapprobation and undisguised disgust. Innumerable pamphlets and letters of exhortation diffused the agitation of the capital to the remotest corners; but it is in vain to ascribe to these treatises, or to the arts of a clamorous faction, the universal indignation which the union produced. The presbyterians trembled for the safety of their church, from the influence of prelates in the English parliament; the episcopal party despaired of restoring theirs, if the presbyterian church were confirmed by an union: the poor were apprehensive of an excise on the necessaries of life; and the merchants, of English imposts equivalent to a prohibition of their present trade. All ranks and distinctions were alarmed at the surrender of the independence and the sovereignty of an ancient kingdom; and in the most opposite parties and descriptions of men,

1706. October 13. Session of parliament.

Alarm at the union.

BOOK XL 1706.

national pride and patriotism, the passions that cling to the heart, and attach us most closely to the poorest countries, were roused and agitated by those shadowy rights. So strong and irresistible were these passions, that if a few, wearied with the vicissitudes of faction, or allured by the prospect of repose and prosperity, escaped their influence, a vast majority of the people was visibly adverse to an incorporating union, which multitudes rushed to the capital to oppose: others, too remote, or unable to attend, prepared addresses against an union; nor was a measure the most beneficial to Scotland, expected to succeed, in opposition to the united voice and sense of the people [57].

Articles of union examined.

Notwithstanding the unpopular reception of the treaty, the articles were again read, and deliberately considered, when the parliament was resumed. A short delay was proposed by the opposition, to consult their constituents, without whose consent, they affirmed that the parliament had no authority to innovate, much less to overturn, or, like their private, patrimonial fortunes, to dispose of a constitution which they were cre-

[57] De Foe, 219. Sir J. Clerk's Hist. MS. Notes on Lockhart, 215. De Foe was employed in Scotland by Godolphin or Harley, as a spy upon the ministry during the union. It was usual, it seems, for the English ministers to employ a spy upon the conduct of the Scottish statesmen in parliament. Tindal, iii. 49.

ated to preserve. A new parliament, summoned for the purpose, was the constitutional and proper test of the public opinion; not a parliament which had subsisted so long, and whose members, chosen originally with no view towards an union, had become obnoxious to suspicion, from the distribution of places, pensions, preferments, and bribes. If a new parliament could not be obtained, they affirmed that the approbation of their constituents should at least be consulted, to render the union acceptable to the nation, or honourable to themselves. But in representative assemblies, the responsibility, or obligation of the members to observe the instructions of their constituents, is an odious doctrine. It was sufficient to assert the supreme authority of a parliament summoned originally to promote an union; and on a division, the opposition were deserted by their own friends. A majority of sixty-four determined to proceed, without delay, to the consideration of the treaty; but without voting upon the subject till the articles were separately examined and discussed. The impatient multitudes by whom the house was besieged, and the streets and adjacent buildings filled and crowded, conceived that the first article was rejected because the vote was deferred, and their acclamations expressed the most lively and immoderate joy. When their mistake was discovered, they insulted the commissioner with execrations and threats, on his return to the pa- Tumults.

BOOK XI. 1706.

lace; and conducted the popular orators, nightly, in triumph to their homes; till at length, exasperated at their late provost, one of the commissioners for the treaty, they attacked his house with all the fury which his supposed treachery had inspired. His escape disappointed their vengeance. Their rage and numbers increased as they ranged the streets in quest of the treaters, and nothing was wanting but a resolute leader, or sufficient concert, to overturn the parliament, together with the union. The opportunity to introduce the army into the city, in order to prevent the insults of an enraged populace, was not overlooked; and the country party protested in vain that the estates were surrounded with guards, and overawed by the presence of a military force [58].

When the capital became outrageous, the commissioner and the chancellor were inclined to adjourn the parliament, from the lowering discontent of the whole kingdom; and the union would have been lost had it depended upon them. But the men by whom they were chiefly instigated, were not to be deterred from a great, though unpopular design. Lord Stair exhorted them not to adjourn. Godolphin urged them to persevere in an union: he assured them of troops to their assistance from England, Ireland, or from Flanders if necessary [59]; and from the determined violence

[58] Sir J. Clerk's Hist. MS.

[59] Burnet, v. 323. Cunningham, ii. 57.

of the contending parties, the nation appeared to be rapidly verging to arms. Numerous addresses against an union, were daily presented, from all parts of the kingdom, and disregarded by parliament. But when the parliament proceeded, on the four first articles, to determine whether the two kingdoms should be united into one, with the same privileges, and under the same legislature, and line of succession as established in England; not only the arguments of each party, but that daring eloquence, and those fierce animosities and passions, were exhibited in its debates, which, whenever the constitution is lodged in a single assembly, may procure or may prevent the most important resolves, by contagious sympathy, or clamorous importunity, by rage and terror, by surprise or force[60].

Debates on the four first articles

The court party that began the debate, represented the necessity and the importance of an union, between two kindred and contiguous nations, seated in the same island, sprung from the same original, of the same language, religion, institutions, and manners; placed already under the same sovereign, and adapted by nature to form the same undivided state. On the first accession

Arguments for an union.

[60] Sir John Clerk hesitates whether to detail the debates, "nam strepitum non linguarum, sed quasi armorum audire videor; ex iris et odiis, jurgiis, motibusque animorum, belli civilis potius quam senatoriæ transactionis, narratio mihi constituenda videtur." Hist. MS.

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of their monarchs to the throne of England, every national and domestic blessing was expected from an event that gave a common sovereign to the two kingdoms, formerly harassed and exhausted by mutual wars and incessant bloodshed. If Scotland has since declined, or continued stationary, miserable, and dependent on England, to what can it be imputed but to the unavoidable ascendency acquired by a jealous, and more powerful nation over the sovereign, for which there is no cure but an incorporating union? No friend to his country could desire the renewal of former hostilities; or if it were possible to resist the victorious progress of the English arms, no communication nor benefit of trade could be expected from a commercial alliance with the French or Dutch. The necessity of a more intimate alliance is acknowledged, when an imperfect union, under the same sovereign, has proved insufficient to prevent mutual discontent. Ever since the union of the crowns, the independence of the country has been overruled, it is said, by the predominating influence of the English cabinet. The experience of a whole century demonstrates, therefore, that without an incorporating union, the interests of Scotland will still continue to be rendered subservient to England. A federal alliance, under different parliaments, may be dissolved by either, on some dangerous novelty, suggested by selfish or ambitious individuals prone to innovation; or may be inter-

rupted on every question of public right, respecting foreign treaties, commercial regulations, mutual contributions, peace or war. Were the determination of these questions to be vested in a council chosen by the two nations, still the Scots could expect no more than a representation proportioned to their population and their supplies. But the council, under whatsoever name it were established, would soon acquire the supreme authority of the British senate; while the parliament of each nation must either be annihilated, or be eclipsed and reduced to a subordinate assembly of provincial estates. Nothing, therefore, remains for Scotland, to obliterate at once its dependence and its misery, but an incorporating union under the same government, and a free access to the same privileges, constitution, and trade with England. Nothing else is secure and permanent; nor would the English assent, upon other terms, to a communication of trade. The federal union of Calmer was productive of eternal discord between the Danes and Swedes; the alliance with Spain was dissolved by Portugal; but the different provinces of France, the kingdoms of Spain, the heptarchy of England, and above all the two indigenous races still subsisting distinct in Scotland, are examples of nations happily united, and incorporated for ever into the same state. What then can prevent the present union, but the ideal sovereignty and independence of Scotland, which we

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are unable to preserve? Let us rather associate our independence with that of England, for the preservation of both; like a chaste and prudent virgin, apprehensive of her own weakness, who accepts an illustrious alliance, and preserves the honour and identity of her person under another name. Thus the glory and trade of England becomes equally ours; and the industry of the country will increase and flourish with the arts of peace. Are we apprehensive of additional taxes? An equivalent is offered, to enable us to sustain whatever duties are imposed in England. Is our representation diminished? The English constitution is also impaired; for the master who admits a new inmate to a share in the management and the command of his household, retains no longer the entire administration of his domestic affairs. But a British parliament can have no object distinct from the common interest; and the two nations may repose for ever, secure and happy, under the same legislature, while religion, liberty, and the protestant succession, together with the protestant interest through Europe, will be preserved by their union.

Arguments against it.

The country party, resuming their former argument, maintained that there were certain fundamentals in government which the legislature had no authority to subvert or to infringe. Whatever were the tenure by which their seats were held, whether created by the crown or by their

constituents, they possessed nothing more than a delegated power that originated from the people; a discretionary and a sacred trust, strictly limited to the exercise and the preservation of the constitution which the people had established, or to which they consented to submit. Without their express consent, the parliament could neither annihilate, nor transfer its legislative power to another, much less in opposition to their declared will. That the voice and sense of the people were adverse to an incorporating union, could admit of no dispute. Innumerable petitions were presented against it; not a single address had appeared in its favour: but if the parliament, whose dignity it was treason to diminish, should alienate a trust which it was created to execute, what result could be expected from an union to which the whole nation appeared irreconcileable? Instead of peace, repose, and prosperity, what but mutual animosity, distraction, discord, future rebellion, and eternal discontent! Will the supposed benefits of commercial intercourse, sooth or console the nation for the legislative power of which it is thus defrauded and despoiled? Stock, credit, and skill, are neither created nor transplanted by treaties, but are the slow and laborious acquisition of time. The exportation of rude produce must procure the first capital for the improvement of industry and skill. But the produce of the country will be diverted from the European, and restrained en-

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tirely to the English market. The exportation of wool must be prohibited, and its manufacture discouraged, to supply the monopoly of the English staple: but before the acquisition of skill and industry, what benefit can result to our infant manufactures, from a privilege to enter into a competition with English manufactures, in the English market? Our trade at present is small, yet improveable; exempt from restriction. But if we prefer a single customer to the rest of Europe, will the benefit of a plantation trade, of which the returns are circuitous, remote, and uncertain, compensate the quick returns and the rapid circulation of a trade nearer home? The spirit of commercial enterprise, so lately excited, requires the fostering care and protection of parliament; instead of which it is subjected to the accumulated debts, and crushed in its infancy beneath the oppressive taxes of a foreign legislature, indifferent to its success. Can the poor endure an enormous excise, or the taxes on salt and malt, which are suspended insidiously till the nation is better inured to the yoke? Are the rich aware of the future growth of the public debt, and the increase of taxes, from wars in which the nation has no concern? But an equivalent is offered, to serve at once as a fund for taxes, and a capital for trade. An equivalent for submitting to the debts of England, must be repaid with interest in a few years: but this strange equivalent is advanced for the

arrears and losses of a few individuals, not to the nation at large, on whose posterity the debts are entailed for ever. An immense bribe is thus offered which the nation must refund; and the chartered rights of its trading companies, to preserve the exclusive trade of the English, must be purchased up at its own expence. But what equivalent is given for the removal of the seat of government, for the surrender of the parliament, of the national independence, and constitutional rights? A slight addition is made to the English parliament, equivalent to a single creation of peers, and to the representation of a single county in the house of commons. But in Scotland, every estate in parliament, every county and corporation is disfranchised. The inherent birthright of the nobility is forfeited, to create a mongrel species of elective peers: and from the extreme disproportion of representatives, instead of meeting on equal terms, the nation, after the privileges which it surrenders, is reduced to depend, like a conquered province, upon the generosity, the good faith, or the discretion of an English parliament, for the rights which it reserves. If a dispute should occur respecting its religion, its laws, or the privileges of its peerage, will the English prove more observant of the articles of union than the Scottish parliament of its own constitution and fundamental laws? Or, in a question respecting their own rights, can the English expect that the repre-

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sentatives from Scotland will be more tenacious of the constitution to which they are admitted, than of the one which they have destroyed? It will then be found, from their dependence on the court, that their number is sufficient to corrupt the rights of the English, not to preserve their own. But for those by whom the nation is betrayed and sold, to affirm that its independence and sovereignty are ideal rights, which it is unable to preserve, what is it but to convert their own crimes and corruption into reasons of state? Independence and sovereignty are of little value in themselves; but it is the sense of national independence in which the energy and the free spirit of a people, and all that is great and patriotic, reside. Let us establish, said the marquis of Anandale, the same succession with England; let our crown be annexed to hers; let our treaties, alliances, and wars, be the same. But let us preserve and improve our constitution and parliament; nor, for dangerous, or at least precarious innovations, resign our independence, without which the spirit of a nation becomes poor and languid, sunk and degraded even in its own esteem [61].

Lord Belhaven's speech.

Methinks I see a free and independent kingdom, said the patriotic lord Belhaven, delivering up the great object of dispute among nations, for which the world has ever been fighting, and all Europe is

[61] Sir J. Clerk's Hist. Lockhart. De Foe, passim. Pamphlets on the Union.

at present engaged in war; the power to manage their own affairs without assistance or control. I see the present peers of Scotland, whose ancestors have exacted tribute through England, walking like English attorneys in the court of requests; while at home a petty English exciseman shall receive more homage and respect than were ever paid to the greatest of their progenitors. I see the estate of barons, the bold assertors of our liberties in the worst of times, setting a watch upon their lips, and a guard upon their tongues, to avoid the penalties of unknown laws; and the burrows, walking through their desolate streets, drooping under disappointments, and wormed out of the branches of their former trade. I see the honest and industrious tradesman, loaded with new taxes and impositions, disappointed of the equivalent, eating his saltless pottage, and drinking water instead of ale. I see the incurable difficulties of the landed gentry, fettered with the golden chain of equivalents; their daughters petitioning for want of husbands, and their sons for want of employment. But above all, I see our ancient mother Caledonia, like Cæsar, sitting in the midst of our senate, looking mournfully around, covering herself with her royal garment, and breathing out her last words, *And thou too, my son!* while she attends the fatal blow from our hands. Patricide is worse than parricide; to offer violence to our country is worse than to our parents. But shall we whose

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predecessors have founded and transmitted our monarchy and its laws entire, to us a free and independent kingdom, shall we be silent when our country is in danger, or betray what our progenitors have so dearly purchased? The English are a great and glorious nation. Their armies are every where victorious; their navy is the terror of Europe; their commerce encircles the globe, and their capital has become the emporium of the whole earth. But we are obscure, poor, and despised, though once a nation of better account; situate in a remote corner of the world, without alliances, and without a name. What then can prevent us from burying our animosities, and uniting cordially together, since our very existence as a nation is at stake? The enemy is already at our gates! Hannibal is within our gates! Hannibal is at the foot of the throne, which he will soon demolish, seize upon these regalia, and dismiss us never to return to this house again! Where are the Douglases, the Grahams, the Campbells, our peers and chieftains, who vindicated by their swords, from the usurpation of the English Edwards, the independence of their country, which their sons are about to forfeit by a single vote? I see the English constitution remaining firm: the same houses of parliament; the same taxes, customs, and excise; the same trading companies, laws, and judicatures; whilst ours are either subjected to new regulations, or annihilated

for ever. And for what? that we may be admitted to the honour of paying their old, and presenting a few witnesses to attest the new debts which they are pleased to contract! Good God! is this an entire surrender? My heart bursts with indignation and grief, at the triumph which the English will obtain to-day, over a fierce and warlike nation, that has struggled to maintain its independence so long! But if England should offer us our conditions, never will I consent to the surrender of our sovereignty; without which, unless the contracting parties remain independent, there is no security different from his who stipulates for the preservation of his property when he becomes a slave. BOOK XI. 1706.

The sublime and pathetic eloquence of Belhaven was exerted in vain. Fletcher remarked, that the honour and interest of the country had been betrayed by the commissioners; and when an explanation was demanded, he acknowledged that the expression was harsh, but true; that treachery was the only epithet which he could find for their conduct. Insuperable difficulties were urged as a reason that no better terms could be obtained from England; to which the duke of Hamilton indignantly replied, that the situation of the Scots on the same island with the English, might have furnished their commissioners with the most decisive argument for better terms. A profound silence ensued, at an argument not less invidious than An union approved.

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just[62]; but when the question was demanded, it was determined by a majority of thirty-three votes, that the two kingdoms should be united into one, under the same legislature and line of succession as established in England.

Secret motives and corruption of members

There are few princes who, from a sincere distaste of royalty and the cares of government, have descended from the throne: but the voluntary consent of a numerous senate to resign its legislative functions for ever, was an event unexampled, perhaps till then, in the history of mankind. Whatever force or conviction the arguments on either side may possess, we may truly affirm that these are rather the apologies than the motives for the conduct of parties. Man is naturally prone to faction, and tenacious of power, which in popular assemblies, nothing less than personal interest or fear can surmount. The secret history of the intrigues and corruption that produced the union, has either been lost, or industriously suppressed[63];

[62] Hist. of Queen Anne, down to the Union, p. 476. Lond. 1707. Boyer's Annals, v. 348.

[63] Lord Somers's Manuscripts, containing a copious collection of papers relative to the union, were almost all destroyed by a fire in Lincoln's Inn. Lord Seafield had made a large collection of state papers and letters, from the revolution to the union, which, with his memoirs of his own times, were consumed in his house adjacent to the Abbey, several years after the union took place. Lord Mar's Papers respecting the union, and the rebellion in 1715, were also destroyed.

at this distance of time is imperfectly understood. From the frequent creation of peers in this reign, a numerous faction was introduced into parliament, devoted indisputably to the court from which their hereditary seats were derived. A large majority of the nobility supported the union, from which their dignity suffered the chief diminution; and as the other estates were more equally divided, the parliament, from a radical defect in its constitution, was subverted by the assemblage of peers and commoners in the same house. But the equivalent was the golden bait, the distribution of which, among those whose integrity might have resisted a bribe, created the same expectation and dependence as a lucrative share in a contract or loan. Above fourscore members were considered either as dependents on the court, or as influenced by honourable and lucrative places, by the assurance of preferment, or by the contingent payment of arrears and of the public debts.[64] The country party was equally numerous. In a parliament so nicely balanced, the success of the union depended on the Squadroné, whose connexion with the English whigs was renewed; and when Montrose was appointed president of council, they endeavoured to recommend themselves to the court, on the assurance or hopes of being restored to power. Their attachment to the protestant succession was undisputed; their resentment

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[64] See Some queries relative to the intended union.

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at the country party, by whom they were once deserted, was the same with the commissioner's: but in the preceding session they had promoted the settlement of the crown, in opposition to an union; and though something must be ascribed to patriotism, and the force of argument, yet their sudden conversion cannot be imputed altogether to the most disinterested conviction. Twenty thousand pounds were transmitted from the English treasury, of which a large proportion was distributed among nineteen peers and eight commoners, under the name of arrears[65]. Among these peers were Marchmont, Montrose, Roxburgh, and Tweedale, the leaders of the Squadroné, who maintained a guarded silence till, on the first division, their accession to the court party determined the union.

Opposition of the clergy, and an act for the security of the church.

The religion of each nation was reserved; but the commission of assembly recommended a national fast to the presbyteries, and an address to parliament to provide for the unalterable settlement and security of the presbyterian church. The clergy, in general adverse to the union, were alarmed at the danger of subjecting the nation to the oaths, and the church to the innovations of an English parliament, wherein twenty-six prelates sat as constituent members. They exclaimed from the pulpit, at the approaching defection from the national covenant, in which the

[65] See Note VII.

civil authority of church-men was prohibited, and the nation was required not to acknowledge the hierarchy, but to concur in prosecuting the reformation of England. But the violence of the commission was overruled, at first, by the presence of the court party, as ruling elders; and restrained by Wishart the moderator, and Carstairs who had retired from the management of the state to ecclesiastical affairs. On the arrival of the country clergy, a more violent address was presented against the dangers to which presbytery was exposed by an union; and in order to evade their importunate demands, the parliament prepared an act for the security of the church. The presbyterian form of government, and the Westminster confession of faith, were declared unalterable; the nation was exempted from all oaths, subscriptions, or tests, that were inconsistent with either; and the confirmation of both was inserted as a fundamental article in the treaty of union. An alternative was proposed, that the Scots should either be relieved in England from the sacramental tests, or that a formula should be prescribed in Scotland, as a similar security for the national church; otherwise the English would soon be admitted, without a test, to the exchequer and revenue, the most numerous or important offices that remained. The equity and the importance of the motion were acknowledged; but it was rejected, as the English would never consent to relinquish

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their tests. The act of security gave little satisfaction; but the clergy were content to temporise, as they might forfeit the support of the court party, and had no protection to expect if the Jacobites should prevail. On the departure of the country clergy, the commission relapsed into its former moderation. The violence of the presbyteries was restrained, or their petitions were intercepted by circular letters from Carstairs, artfully calculated to represent the commission as indifferent, or not indisposed to an union; but the English ministers in vain solicited the approbation of the church, which that subtle politician was unable to procure[66].

Succeeding articles approved.

The succeeding articles, respecting trade, taxation, jurisdiction and laws, received little alteration. Bounties on the exportation of grain were extended to bear and oatmeal, the chief produce as yet of the country. Drawbacks were allowed on the exportation of beef, pork, and herrings preserved with foreign salt. The taxes on salt and malt, and the excise on ale, the most oppressive to the nation, excited the loudest discontent. The excise on ale was reduced to a medium between strong and small beer, as the Scots drank French wines instead of the former, and their *twopenny* ale scarcely exceeded the latter in strength. A perpetual exemption from the duties on salt and malt

[66] Carstairs, 1754—8. Lockhart. Clerk's MS. De Foe. Boyer.

was demanded; but the court party were suspicious of whatever might tend, in the English parliament, to frustrate the union, or to obstruct its success. The heaviest of the duties on salt were removed from the nation. The malt-tax was suspended during the war; nor was it then imagined, that a recent duty, to which the English reluctantly submitted from year to year, would be prolonged on a peace. An argument equally fallacious was employed to reconcile the parliament to the English customs; that the greater part expired in four years, when the customs of Scotland would be reduced to a lower rate than at the present period [67]; nor was it considered that a tax, even of the shortest duration, to which the nation has once submitted, seldom fails to become perpetual.

Tumults.

While each article was successively disputed and confirmed in parliament, the increasing ferment of the nation threatened to convert the union into an internal war. Notwithstanding the presence of the military, the commissioner was frequently insulted, and his life endangered by the enraged multitude. At Glasgow, the imprudent opposition of the magistrates to an address against the union incensed the populace, who seized, and, for some days, retained the town in their possession. In the western counties, the Cameronians and peasants, whose aversion to an union was inflamed by

Insurrections proceed.

[67] Clerk's Hist. MS. De Foe, 410.

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fanaticism, held frequent nocturnal meetings; and a numerous body appearing in arms at Dumfries, burnt the articles, and affixed a declaration against the union to the market cross. At length they assembled openly, under the act of security, to embody themselves into regiments, to appoint their officers, to provide horses and arms, and to consult on measures for dissolving the parliament; which nothing but the incessant rains, and the inclemency of the winter season, had hitherto preserved[68]. Cunningham, an old and experienced officer in whom they confided, was sent to inform the popular leaders that when matters were properly concerted, they were ready to march to Edinburgh, to disperse a wretched parliament, whose members had sold the honour and interest of their country, and forfeited all right to determine either for their constituents or for themselves. The same offers were made from the counties of Perth and Angus. The duke of Athol, whose influence in the highlands was extensive, undertook to secure Stirling, and to preserve the communication between the west and the north. The presbyterians were about to take arms with the Jacobites, and, if we may believe their authors, to declare for their king. Nothing less than a civil war could be expected from an union to which two thirds of the nation were confessedly adverse, or rather, which was promoted by the court and its adherents alone.

[68] Lockhart, 218, with Clerk's Notes.

But, at this critical and decisive moment, Cunningham, terrified at the danger, and allured by a reward for the discovery of the enterprize, betrayed their designs to Queensberry, by whom he was instructed to return to the west, and to sooth his confederates, or to dissuade them from arms. He assured them, in his progress through the western counties, that there was neither fidelity nor resolution among their associates in Edinburgh, who had promised but who refused to furnish assistance or supplies; and that they should consider well before they engaged, without aid, in such a desperate attempt. Whether apprized of his treachery, or unwilling to have recourse to arms, Hamilton, who held nightly consultations with Queensberry in the palace, where they both resided, dispatched private expresses through the country, requiring the people to desist for a time; and, instead of seven thousand engaged in the enterprise, not above five hundred assembled, whom Cunningham easily persuaded to disperse [69]. The act of security was immediately suspended, so far as it authorised the people to muster and appear in arms.

and prevented by Hamilton.

When each measure to disperse the parliament was thus disconcerted, a more moderate and un-

National address.

[69] Lockhart, 278. Hook's Negociations, 10. 12. Ker of Kersland, in his Memoirs, claims and was suspected (Macpherson's Orig. Pap. ii. 548—53.) of the same meritorious infamy.

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exceptionable plan was proposed by Fletcher; that the freeholders of every description should be invited to town, to attend, and, in a body, to conjure the commissioner to relinquish the union, or at least to consent to a short recess, till the sentiments of the nation were represented to the queen. A national address was prepared; to be circulated on his refusal, universally subscribed, and transmitted to the queen, requesting a new parliament and assembly, as the only means to avert the miseries of a compulsive union. Five hundred gentlemen, mostly Jacobites, repaired to town: the earl of Panmure's brother was appointed their prolocutor; but the measure was again disappointed by Hamilton. On the day preceding the national address, he required a clause to be inserted, expressive of their desire to entail the crown upon the House of Hanover, without which he asserted that the tories in the English parliament could have no pretext to oppose an union. A demand to which the bulk of the Jacobites could never assent, produced an unexpected delay. A proclamation was issued against illegal convocations, and the country gentlemen, wearied with attendance, and disgusted at their leaders, returned to their homes. Hamilton's opponents were persuaded that he had received secret instructions from the court of St. Germains, rather to promote the protestant succession, which might be retrieved in time, than submit to an union, which would unite

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the two kingdoms in support of the House of Hanover, and exclude the Stuarts for ever from the crown[70]. When the parliament arrived at the twenty-second article, the representation for Scotland, he assembled the leading Jacobites, and exhorted them not to revert to the past; represented that as no time was to be lost, the marquis of Anandale should renew his motion to establish the same succession with England; and proposed that the country party should enter a solemn protestation on its refusal; secede for ever from the house; and resume their national address to the queen. The secession of the same party had destroyed the credit of the former parliament. The English would hesitate to accede to an union, from which a large proportion of parliament had expressed their solemn dissent, and a visible majority of the nation had appealed to the crown. Had the measure been duly executed, we are assured that the commissioner and his friends were prepared to adjourn the parliament, and to desist from an union to which the general aversion of the people could no longer be concealed[71]. The day was fixed for the protestation. A detailed and high spirited address was prepared. On the preceding

1707.

[70] Sir J. Clerk's Hist. MS.

[71] Clerk's Notes upon Lockhart, 294. 325; wherein he assents in fact to Lockhart's information from Seafield, that the ministry would have abandoned the union in the event of a national address.

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evening, Hamilton, at a secret interview with Queensberry, was informed that to him alone the miscarriage of the union would be imputed by the queen, whose favour, amidst all the mazes of opposition, he was unwilling to forfeit; and his terms were adjusted with the court that night [72]. Next morning he was afflicted with the tooth-ach.

Twice disappointed by Hamilton's treachery.

When compelled by the severe animadversions of his friends to attend the house, he shrunk unexpectedly from his own protest. Neither their remonstrances, nor their entreaties, nor their asssurance of support, could persuade him to incur the displeasure of the court; and the parliament, during their mutual altercations, had advanced so far that the opportunity was lost. The representation of Scotland was approved; and the country party, enraged and stung with vexation and shame at the reiterated treachery of their perfidious leader, abandoned all concert, and in a few days deserted the house in despair [73].

Remaining articles ratified.

The remaining articles were adopted almost without opposition. To gratify the decayed nobility, protection from personal arrest was secured among other privileges of the British peerage. The *regalia* were carefully reserved, as the emblems of departed sovereignty, to be deposited in the castle, in order to sooth and appease the appre-

[72] Lockhart, 326; confirmed by Sir J. Clerk. Hooke's Negociations, xii.

[73] See Note VIII.

hensions of the people. The distribution and the choice of representatives were deferred, and the articles of union were ratified with the act for the security of the church, and transmitted to the queen. By this artful management, the English cabinet, having first dictated to the commissioners the conditions of the treaty, permitted the Scottish parliament to prescribe apparently to the English, the terms on which it chose to submit to an union.

1707. and transmitted to England.

When the articles were communicated to the English parliament, the tories were disposed to resist the progress of the union, which a single amendment was sufficient to obstruct. A singular device was employed to preclude alteration, or even debate. The articles, as ratified in Scotland, and an act passed for the security of the church of England, were recited in the preamble of the bill, and were confirmed by a single enacting clause. As the tories could neither dispute the preamble, as a recital of facts, nor oppose the enacting clause with success, the union was carried without an amendment, through the Commons, by surprise. The debates were more solemn, and the articles more fully discussed, among the Lords. An accession of sixty-one members from Scotland, lords and commons, to be returned by means of its privy-council, was magnified as disproportionate to its share of taxes, and as dangerous to the constitution and the church of England; with

Debates in the English parliament;

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whose privileges they were unworthy to be entrusted who had betrayed their own. The union was compared to a marriage contracted without the woman's consent; and it was severely reprobated, as conducted in Scotland by compulsion without doors, and by corruption within. The whigs, inverting their own arguments at the treaty, depreciated the representation of Scotland in each house, as too inconsiderable to affect the constitution or the church; and maintained that the real danger to which either was exposed, was a popish successor in the interest of France; that England was peculiarly vulnerable from the vicinity of the Scots to its collieries, which in the event of a war would require an immense force, for the protection of the Tyne; that if Scotland were even reduced by force, an union, or a standing army, of which the danger was obvious, would still be necessary to preserve its obedience; and that an object so great and important as the union of the whole island, could never be accomplished without some minute inconveniences, unworthy of regard. The articles of union were approved by a large majority; and when confirmed by the royal assent, were returned, *exemplified*, to the Scottish parliament, to commence, according to the treaty, on the first of May. But the union was no sooner adopted than it was almost infringed. From the prospect of a free trade, a large importation of wines and brandy was expected in Scotland; and

where the union is approved and exemplified.

large quantities of tobacco began to be sent thither, in order to obtain a drawback on its exportation from England. The loudest outcries were raised by the merchants, a race that screams at imaginary dangers; and the commons interposed at their request, to prevent the importation of those articles from Scotland, free from duties, when the union should commence. But the lords rejected the bill, as a manifest violation of the free intercourse stipulated for trade [75]. BOOK XI. 1707.

In the mean while the Scottish parliament had proceeded to the distribution and the choice of representatives. The ministers and the prime nobility were disposed to appropriate the representation of the peerage to ancient families, in order to secure an exclusive, if not an hereditary seat to themselves. In opposition to this scheme, a rotation was proposed; but as each party confided in its strength for success, an election was preferred, and a ballot to secure the nobility from corrupt influence, was rejected as dishonourable. Thirty members were allotted to the counties, fifteen to the boroughs; of whom a single member was conferred upon the metropolis. The rest were distributed among fourteen districts, or boroughs classed according to their vicinity, who continued each to elect a commissioner; but by a double election, the functions of these commissioners were reduced to the choice of a member Distribution.

[75] Burnet, v. 327. De Foe. Boyer, &c.

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for each district, to the British parliament. The larger counties obtained each a member, the lesser shires an alternate election: and the distribution was made with such haste and injustice, that Caithness, instead of being incorporated with Sutherland, which it exceeded in value, was conjoined with the diminutive shire of Bute [76]. But the parliament was supposed to violate every principle of government and of public faith, when it assumed to itself the nomination of representatives, in defiance of the articles of union so recently framed. If not entitled to a new parliament, to confirm the union contracted by the present, the people, it was said, while indulged with representatives, could never, without a contradiction in terms, be deprived of the rights of election, under whatever constitution they were placed. But the ministers were desirous to secure the returns; and after subverting the constitution, the parliament was afraid to entrust the people with the choice of their own representatives. As the queen was empowered by an article of union to declare the lords and commons of the English, constituent members of the British par-

and choice of representatives by the estates of Scotland.

[76] Clerk's Hist. MS. The earl of Sutherland was a commissioner for the treaty of union, and as the electors in that county were mostly his own vassals, they procured a separate representative for themselves. The earl of Morton, another commissioner, obtained a grant of the crown lands and rents in the Orkneys.

liament, the pretext was seized by the estates to appoint representatives; although the same articles provided that a writ should be issued to the privy-council for elections in Scotland. Sixteen peers and forty-five commoners were accordingly chosen by their respective estates. Hamilton, notwithstanding his solicitation and intrigues, was industriously excluded by his own order. From the influence of the court, and the resentment of opposition, few of the Squadroné were included in the nomination [77]. The rest devoted to the ministers, furnished an unfavourable specimen of the future independence of Scottish members in the British parliament.

Disposal of the equivalent.

Nothing but the disposal of the equivalent remained. Thirty thousand pounds were allotted to the commissioners for the last, and the preceding treaty; and at this ample remuneration, the people indignantly exclaimed, that the motives of their concessions and the price of their votes were no longer concealed. Two hundred and thirty thousand pounds were appropriated to the Darien company; but the management and distribution of the equivalent were referred to commissioners to be appointed by the queen. The administration was thus enabled to fulfil its promises and to gratify the expectations of its friends, by a partial distribution, or by the allotment of large sums under the designation of public debts [78]. Private

[77] Not above three peers and fifteen commoners.

[78] Id. Minutes of Parliament.

BOOK XI.

1707. Parliament adjourned for ever.

grants became more numerous as the parliament hastened towards a conclusion. At the approaching loss of the national legislature, such visible dejection and despair prevailed, that when the *Exemplification* of the union arrived from England, instead of a solemn dissolution suitable to the event, the parliament of Scotland, not to aggravate the public sorrow, was silently adjourned for a few weeks, but it was dissolved for ever [79].

Commencement and reception of the union in England.

The nobility most instrumental in promoting the union, hastened to earn their rewards at court. The duke of Queensberry, whose life had been frequently endangered in Scotland, was received and escorted through England with the respect and honour due to his success. The patronage of Scotland was placed in his hands. He was gratified afterwards with a pension, and advanced successively to the first rank of the British peerage, and to the office of third secretary of state, with Scotland for his department. Mar and Seafield were rewarded with pensions, and admitted, with other peers, to the privy-council. Montrose and Roxburgh were created Scottish dukes, as if ambitious of the last honours of an expiring state. A public thanksgiving was proclaimed through Eng-

[79] Clerk's Hist. MS. "Seafield the chancellor's observation on adjourning the parliament was, *There is an end of an auld sang*, to his immortal memory and honour."—A Short History of the Revolution in Scotland, in a Letter to a Friend at London, 1712.

land; and a solemn procession was made by the queen to St. Paul's church, on the first of May, when the union commenced. Addresses from all parts of England were presented to the queen, on the success of an union which her predecessors, for a century past, had attempted in vain; and the public joy seemed to receive no abatement, except from an apprehension that it might appear immoderate or invidious to the Scots [80]. But a sullen and inflexible silence was observed in Scotland; a symptom of deep, undisguised discontent. No addresses were transmitted to court; no acclamations nor public rejoicings attended the union; nor durst the queen enjoin the observance of the thanksgiving, which might have been contemned as an insult, or converted into a day of solemn fasting, tribulation, and prayer [81]. The equivalent was received amidst the execrations of the people, as the price of their independence; the merchandise exported to England was seized, and their trade was suspended by new regulations, as if to exasperate their discontent. An influx of English revenue officers overspread the country, unacquainted till then with the oppressive laws of revenue; and their severe exactions perpetually incensed and admonished the people that they were no longer an independent nation. The Jacobites rejoiced at the public discontent, as condu-

BOOK XL 1707.

In Scotland.

[80] Carstairs, 760. Cunningham, ii. 79. Boyer's Annals.
[81] Carstairs, 761.

BOOK XI. 1707.

cive to the speedy recall of their king. Instead of the union, the pretender's birth-day was publicly celebrated; and the presbyterians seemed to have no choice, unless to become a province either of England or of France[82]. We may conceive, but it is impossible to describe the anguish of Fletcher, Belhaven, and the sincere patriots, attached to no family or line of succession, but to the independence of their country, which they prized above the prosperity of the British empire. Wherever the independence of a nation has been subverted by conquest, the brave may obtain the mournful consolation that its fall was glorious; and the good, that no exertions of virtue or of prudence were omitted for its preservation. But they beheld their country subjected, by the corruption of its own representatives, to a foreign yoke; the people deprived of all interest or share in the constitution; the genius of Scotland bound and delivered up to the English government, and themselves deprived, by their perfidious leader, of a just and timely recourse to arms. Hamilton himself, whose consummate address had united the most opposite factions so long, had the mortification to find that he was shunned and suspected by every party; and the bitter reflection, that while deceiving others he was duped and deceived by his own intrigues, produced a severe illness that endangered his life.

[82] Burnet, v. 359. De Foe, 589. Lockhart's Memoirs.

1707. Union completed,

The union was not yet complete, unless the same government were established in the united kingdoms, with the same laws against state crimes. The motives of the Scottish statesmen in acceding to an union, to govern by means of the privy-council exempt from the opposition of the country party, or the control of parliament, have been sufficiently explained. A new commission was issued for the privy-council, excluding such as opposed the union. A subordinate, yet distinct administration, was delegated by Godolphin, and engrossed by Queensberry, Seafield, Mar, and others; through whom alone access was obtained to the queen. Twenty-five members, chiefly their own creatures, were appointed commissioners to distribute the equivalent according to their instructions; and as the writs were directed, and the returns made to the privy-council, the management of elections, and the nomination of the representatives to both houses, were placed in their hands. They promised Godolphin the most unreserved support; but the Squadroné party applied to the whigs, to dissolve the administration of the privy-council from which they were excluded themselves [83]. The situation of Scotland would have been infinitely worse than before the union, if an institution were preserved which was at once a court of justice and a council of state, wherein policy must ever predominate over the

[83] Cunningham, ii. 71. 79.

BOOK XI. 1706.

laws. While the legislature remained entire, its oppression was restrained, but if a distinct administration were permitted to subsist, there was no power in the nation to procure the redress of grievances from the British parliament: the complaints and the applications of the people would have been intercepted; and to suppress their murmurs, the privy-council must have soon degenerated into the tyranny practised in former reigns[84]. From the same disinterested and enlightened views which produced the union, the abrogation of the privy-council was concerted by lord Somers, with the principal whigs. A bill was introduced *to render the union more entire and complete*. The same privy-council was proposed for the whole island; the returns of elections were to be transferred to the sheriffs; and the jurisdiction of the Scottish council was to be supplied by justices of peace, an institution often attempted but never accomplished, and by regular circuits of the justiciary court, twice a year. The administration opposed the bill, against which the Scottish statesmen endeavoured to excite a clamour at home; but there, the public discontent at the union was gratified by every disappointment which they sustained[85]. At that distance from the seat of government, they maintained that the disaffection

by the dissolution of the privy-council,

[84] Hardwick's State Papers, ii. 473. Burnet, v. 300—78.

[85] Letters from the Earl of Mar to his Brother, MS. in the Archives of the Family.

of the highlanders and principal families, incensed at an union, required the vigilant inspection of the privy-council; but their real design was to retain the nation in a miserable dependence on themselves and on the crown. The antipathy to the union was expected to subside the sooner, if every national distinction were once obliterated. An amendment, to prolong the duration of the privy-council till October, was rejected, as a device to secure the approaching elections for a new parliament; and the first of May was prefixed for its dissolution, that the anniversary of the union might introduce the same government through the whole island. So variously are our feelings modified and affected by our personal interest, that the loss of a venerable institution was deplored by those who had sacrificed the constitution and the independence of their country without a pang of regret[86]. The concluding labours of the privy-council were usefully employed in recalling the coin, and in altering its denomination; when it was discovered, from the quantity of silver brought to the mint, that the species in circulation was little less than a million sterling[87].

It was from a singular train of events, and after an obstinate struggle, that the same laws were instituted against state crimes. The importunities

and the introduction

[86] Letters from the Earl of Mar to his Brother, MS.

[87] Ruddiman's Preface to Anderson's Diplomata Scotiæ. Sir J. Clerk's MSS.

BOOK XI. 1708.

of the Jacobites, and the apparent discontent of Scotland, had roused the attention of the French court. A naval expedition was prepared at Dunkirk; but its destination was prematurely discovered by the pretender's arrival; and at the prospect of an invasion, England, unaccustomed, from its insular situation, to a war on the frontiers, was filled with alarm. A fleet was fitted out with the utmost dispatch; but the French squadron escaped from Dunkirk, and was prevented only by overshooting the Forth in the dark, from landing the pretender, with five thousand regular forces, at a juncture the most favourable for a descent on Scotland which has since occurred. Not above two thousand five hundred troops remained in the country, natives deeply imbued with the national discontent. The national fortresses were entrusted to persons of doubtful fidelity, and the equivalent was lodged in Edinburgh castle, which was unprovided for defence. No care had been taken to appease the nation, exasperated at the union; and the presbyterians, the only support of government since the revolution, were rather disposed to promote than resist the invasion. The northern nobility, Gordon, Athol, Errol, Panmure, and others, had engaged to take arms; but the French, on regaining the Forth, descried the approach of the English fleet, and escaped with the loss of a single ship. The prisons were immediately crowded with suspected

persons of all ranks; among whom Belhaven, Fletcher, and the principal opponents of the union were included. As the authority of the privy-council was about to expire, the prisoners were ordered, for examination, to London; and the prostrate nation was unnecessarily insulted with an afflicting spectacle, of its nobility, its gentry, and its most distinguished patriots, led in ostentatious triumph to the English capital. Hamilton, who had retired to England to avoid the insurrection, was also arrested; but by a negociation with the whigs, to support the Squadroné party at the approaching elections, he procured his own release and the discharge of his friends. Belhaven had already survived his country; but at this unworthy treatment, the generous patriot expired of grief and indignation as soon as he was released. A few gentlemen who had appeared in arms, were remanded to Scotland, to be tried and condemned for treason; but by the connivance of Stewart, the queen's advocate, who neglected to furnish a list of witnesses, which the judges, equally dissatisfied with government, deemed indispensable, they were unexpectedly absolved by the justiciary court [88].

BOOK XI. 1708.

[88] Lockhart, 383. Cunningham, ii. 159. Burnet, vi. 6. Boyer. The removal of the prisoners to England was falsely ascribed to the earl of Mar, whom the queen, in a confidential letter to that nobleman, exculpates from the imputation. Mar's Papers, MS.

BOOK XI.

1709. of the English treason law.

Their acquittal disappointed and enraged the ministers; and in the succeeding parliament a bill was introduced for *improving* the union of the two kingdoms, by extending to Scotland the English laws against high treason, and misprision of treason. The Scottish members were unanimous in their opposition to the first attempts to reduce their country under the laws of England; they maintained that the bill was derogatory, not only to their public, but to their private rights which the union had reserved. When the laws of each nation were examined, the public discovered, with surprise, that the mode of trial for treason was more favourable to the accused, and the punishment far more lenient in Scotland. Till the preceding reign, the culprit had been deprived in England of a copy of his indictment; of a list of jurors; and of the aid of counsel to plead in his defence; which are still denied in inferior crimes. Peremptory challenges were refused in Scotland; but the prisoner was entitled to counsel; to a copy of his indictment, and to a list not only of jurors but of witnesses, fifteen days before his trial began. Marriage settlements, entails, and the claims of creditors, were excepted from forfeiture; corruption of blood, as the consequence of attainder, was never incurred unless inflicted by the legislature[89]; and the former iniquitous trials in Scotland appeared indisputably to have proceeded

[89] Stair's Institutes, 441.

from the accumulation of statutory treasons, and from the arbitrary or corrupt practices of the justiciary court. But the Scots discovered, when it was too late, that their representation was inadequate, in either house, to the preservation of their public or private rights. A vote to substitute the English treason laws for those of Scotland, was passed in opposition to their whole representatives. A few clauses were inserted, for the security of marriage settlements and entails; but the Scottish peers demanded in vain that the witnesses, as well as jurors, should be notified to the prisoner before he was arraigned. Burnet, bishop of Sarum, humanely proposed to abolish forfeiture and corruption of blood; and not to disinherit the innocent offspring for their father's crimes. As these popular amendments were resumed by the commons, the peers agreed to suspend their effects till the pretender's death, in the artful expectation that the consequences of attainder might be rendered perpetual by a succeeding parliament, as they were afterwards prolonged during the lives of his sons[90]. Under the same government, the same laws were established through Britain against state crimes. The Scots obtained the repeal of tortures, already disused, and a precise rule for the determination of treasons; while the laws of England, by the notification of the witnesses' names, have been improved from theirs. But the

[90] Blackstone, iv. 384.

BOOK XI. 1709.

introduction of foreign laws was odious to the nation; and the nobility attainted under the succeeding reign, still suffer in their posterity from penalties formerly unknown in Scotland.

Thus, above a century after the accession, when the crowns were united in James VI. the union of the kingdoms was finally accomplished, under the last sovereign of the house of Stuart. Henceforth a new series of events began. The struggles of contending factions were removed. New objects of ambition were presented to the statesman, who engaged in a lottery, of which the prizes were richer, but far more precarious; and when the legislature and seat of government were transferred to the English capital, the history of Scotland expired with its constitution.

General review of the principles

When we review the principles, in order to trace the consequences, of this memorable transaction to the present times, the union must be classed among those great, political innovations in which motives, perhaps of a just expedience, have superseded the doctrines of abstract right. The addition of a few members to the English parliament, neither impaired the constitution, nor deprived the nation of a single representative. But the estates of Scotland, in opposition to the acknowledged voice and sense of the nation, had undoubtedly no more right, abstractedly considered, to transfer their derivative, fiduciary powers to another parliament, than to deprive the people

of the choice of their own representatives, or to surrender their legislative functions for ever to the crown. The subsequent acquiescence, or rather the virtual consent of the people, has sanctioned a transaction to which three fourths of the nation were originally adverse; and it may be truly affirmed that an event of such national importance and magnitude, so widely beneficial to succeeding times, was never yet accomplished entirely by the purest means, nor without some violence to the freedom of popular consent. But the union, if defective as a question of abstract right, had in point of political expediency become indispensable. Two nations under different legislatures, when united merely by a common allegiance to the same sovereign, are held together by the most slender ties. The connexion may be dissolved by either, on the sudden resentment of a capricious legislature, unless the one has acquired a compulsive, or corrupt ascendency over the counsels of the other, to insure its uniform concurrence in public affairs. The Scottish parliament therefore, whenever it asserted its own independency, must have either been secured by immense bribes, annihilated by an union, or reduced by force. The first expedient is always precarious, and must have sometimes failed. In the event of a disputed succession, which appeared inevitable, nothing less than an union could have preserved the nation from becoming either an easy conquest, or a field

BOOK XI. 1709.

of future contention and bloodshed between England and France; and the loss of a corrupt and factious parliament, next to that of its exclusive government, was the greatest blessing which Scotland could obtain. The union, confirmed since by the national consent, has acquired, from political expedience, a stability which no Scotsman would propose to dissolve; and it leaves posterity little to regret, but that the views of the whigs were not more enlarged. If instead of being strictly limited to the exigencies of the times, their scheme of an incorporating union had comprehended the American colonies and Ireland, the former might have still been preserved to the mother country; the latter might have been reclaimed from its original barbarism; and the representatives of both, if introduced with the Scots, into the English parliament, instead of endangering, might have secured, its constitutional balance, and consolidated the strength of the British empire.

and consequences of the union. 1713.

But the union at first gave such little satisfaction, that before six years had elapsed, the same party by whom it was established, proposed to dissolve it, from the real or imaginary injuries which the nation had sustained. The duke of Queensberry had acquired a British title and seat in parliament; but from a laudable jealousy of the influence of the crown, he was deprived of a vote in the election of the sixteen peers for Scotland.

When the tories, during the last years of queen Ann, had engrossed the exclusive possession of power, the duke of Hamilton was created a British peer; but the house of lords, where the influence of the whigs predominated, opposed his patent as repugnant to the union, and rejected his claim to an hereditary seat. Sixteen of the Scottish peers were admitted, by *virtue of that treaty*, to sit and vote in the English parliament; but they appealed in vain to the fallacious promises of the English commissioners, who durst not deny that the clause was purposely inserted to capacitate, not to disqualify them for additional honours, by creation or descent. The tories procured a succession of acts against the presbyterian church; and the sixteen peers were induced at last to intermingle their private grievances with the public discontent. The malt-tax, from which the Scots had obtained an exemption during the war, was extended to the whole island on the return of peace. But the tax was still appropriated to the deficiencies incurred by the war; and the Scots complained that it was unequal from the inferior quality of their barley, and an oppressive imposition which the poverty of their country was unable to sustain. Their peers concurred with their commoners to dissolve the union; the whigs with the Jacobites to rescue their country from the English yoke. On a day appointed to consider the state of the nation, the earl of Seafield enumerated the various grievances

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which the Scots endured; that their privy-council was first abolished; that the English laws against high treason were next introduced, and their own repealed; that their peers were then stigmatised as the only persons declared incapable of acquiring honours; that at last, instead of being relieved from the burthens of war, their country was oppreſſed by a more intolerable tax on the return of peace; and he concluded with a motion to diſsolve the union, from which, instead of the expected beneſits, such evils were incurred. The motion was seconded by Mar, Argyle, and the Scottish peers, and supported by most of the English whigs; but it was opposed by the tories, who concurred with Harley to preserve an union of which they still disapproved. They affirm that the Scots had no reason to complain of the malt-tax, which was suspended only during the war; and they maintained that the union could not now be dissolved, as the two parliaments by whom it was contracted, had ceased to exist. The Scots asserted that they had acquiesced in a solemn assurance, inserted in the treaty, that the united parliament never would impose an unequal tax beyond the abilities of their nation to sustain; that theirs was not half, nor above a third part of the value of English malt, but that the disproportion of the tax was above two thirds; and that the powers of the two parliaments to treat or to contract, were consolidated in the present, to whom

it was equally competent to dissolve an union, which, instead of the advantages promised and expected, was productive only of new grievances, instead of national concord, of additional animosities and mutual discontent. The whigs professed that they were ready to dissolve an union productive of such unforeseen inconveniences, if the protestant succession should be previously secured [91]; but amidst the ostensible arguments of contending parties, their real motives are not always revealed. Though still hostile to an union, the tories were certainly not attached to the house of Hanover; and an obscure plan to restore the hereditary line, was disappointed, according to the Jacobites, by the untimely death of the duke of Hamilton, whom the queen had appointed ambassador to France, from a design, it is said, to introduce her brother the pretender into Scotland, with some Irish regiments in the French service, in order to promote his eventual succession to the English throne. The whigs, apprehensive of similar designs, appear to have listened to the assurances of the Scots, that the protestant succession should be more firmly secured if the union were dissolved. From the separation of the two kingdoms, their friends might obtain an ascendant, and open an asylum for themselves in Scotland, where, with the interest or assistance of Hanover, they

BOOK XI. 1713.

[91] Boyer's Political Transactions, 1712—13, and History. Burnet.

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might counteract the secret designs of the court. But the tories were equally afraid, lest their adversaries ſhould acquire the direction or the support of that kingdom if it were once disunited; and parties were so nearly balanced, that, by the defection of Mar and Loudon, the motion for diſſolving the union was rejected only by four votes[92].

The two rebellions. 1715.

The unhappy conſequences predicted at the union, seemed to be verified by the two rebellions in which the nation was involved; but the first must be ascribed to the impolitic violence of the whigs themselves. A severe proscription from office was begun by the tories in the last years of queen Ann. Instead of attempting to reconcile their adversaries to the new government, the whigs transcribed and improved the example, with little intermission, during the two succeeding reigns. Not satisfied with the removal of the former ministers, they demanded their heads; and their persecution converted the tories into Jacobites, and filled the nation with tumult and discontent. Mar, the secretary of state for Scotland, who professed an early allegiance, was sincerely disposed to acquiesce in the succession of the House of Hanover, and procured a loyal address from the highland clans; but the contumelious refusal of his overtures, and of their submission, the im-

[92] Sir John Clerk's Memoirs, MS. Macpherson's Orig. Papers, ii. 388.

peachment of Oxford and Stafford, and the attainder and exile of Ormond and Bolingbroke, reduced him to despair [93]. On repairing to the highlands he was joined by ten thousand men, from clans or families disgusted at the union, or attached to the hereditary descent of the crown [94].

[93] Transact. of the Antiq. Society Edin. vol. i. p. 562. The family account of Lord Mar's conduct, to which I have adhered, is confirmed by his confidential letters to his brother lord Grange, expressive of the utmost solicitude to preserve the tranquillity of Scotland on the queen's death. On the king's arrival at Greenwich, he attended to present the highland address which lord Grange had prepared; but was informed that it would not be received, as his majesty was well assured that it had been manufactured at St. Germains. Concluding his ruin determined, he scrupled no longer to accede to the terms offered by the pretender's agent.

[94] Sir John Clerk represents the Scots as already so sensible of the benefits of the union, "that the pretender, in 1715, was obliged to alter that part of his proclamation which promised to repeal the union; and to express his intention of leaving it to the determination of a free parliament." Sir John, in all his writings, naturally grasps at whatever was favourable to the union, to which he confesses that three fourths of the nation were hostile at the time. Testamentary Mem. MS. That his information in this instance was defective, appears from the pretender's declaration, published after his arrival, and never recalled; "That he came to relieve his subjects of Scotland from the hardships they groaned under from the late unhappy union, and to restore the kingdom to its ancient free and happy state." Boyer's Polit. State, x. 613. Nothing but the danger of a rebellion deterred the presbyterians, on the accession of George I. from

BOOK XI. 1715.

Their insurrection, happily for Scotland, was suppressed with an inferior force, by Argyle their countryman, who, after a doubtful victory, spared and permitted the clans to disperse. But the new government was actuated by revenge proportioned to its sense of danger; and after two reigns of unexampled lenity, the nobility suffered from unknown laws, on the scaffold, or in numerous attainders, which the humanity of the present age is unable to reverse. The Jacobites, however, were still soothed and consoled, by the adaptation of their songs to the national melodies, to which few Scotsmen can yet listen without a tear of enthusiastic regret for their ancient independence and race of kings. The second rebellion was distinguished, as the last hostile expedition into England, by the gallant attempt of a few highlanders to restore their prince, and by their victories over disciplined and veteran troops; but it was suppressed with a wide and unnecessary profusion of blood, on the scaffold and in the field.

Benefits of the union,

Nor was the union productive, for many years, of those advantages which at first were expected. A feeble attempt to obtain a share in the colonial trade was defeated by new regulations, which the commercial jealousy of the English merchants procured. The migration of stock and trade to the north was a visionary expectation. No new ma-

concurring with the Jacobites in a national address to dissolve the union. Id. ix.

nufacturers were attracted to Scotland by the cheapness of labour; no improvement was introduced into agriculture; on the contrary, commerce was still languid, and the price and rents of estates inconsiderable. Every national exertion was discountenanced; and during the interval between the two rebellions, the country was alternately disregarded, or treated like a conquered province, prone to revolt [95]. The nation, notwithstanding the gradual increase of its linen manufacture, appeared to be nearly stationary, and was certainly far less progressive for half a century than if no union had ever been contracted. The factions of the preceding century were dissolved with the parliament that gave them birth; but it is observable, that factions are not less necessary in a free state, to preserve the spirit of freedom, than sects and controversial disputes in religion, without which the devout zeal and implicit faith of the votary would soon decay. The national spirit appeared to be sunk and extinguished with those factions which the union dissolved. Patriotism, that ardent and exclusive attachment to our native country which the national independence of the Scots had excited, could neither be preserved entire, nor transferred to another object, when Scotland merged into the British empire; and from the narrow basis of representation, the people at large, having lost their own

BOOK XI. 1715.

at first imperceptible

[95] Gibson's Hist. of Glasgow. Lindsay's Interest of Scotland considered. Guthrie's Hist. x. 398, &c.

BOOK XI. 1715.

constitution, acquired little interest or share in the government into which they were received. The views of Queensberry and his friends in the union, to perpetuate their authority at home, and to establish a numerous party in the English parliament, were realized afterwards by the dukes of Argyle, two brothers to whom the whole country was long devoted; and the English mistook for the servility of the nation, the dependence of the few members whom Scotland returned.

afterwards immense.

But the national spirit thus apparently extinguished, burst forth in a new direction more beneficial to Scotland. When the contests of domestic faction had ceased, the turbulent fanaticism which distinguished the Scots during the former century, was lost in the pursuits of industry, of literature, and of the arts of peace. Some attempts had been made before the last rebellion to introduce a better cultivation into the Lothians, which has since extended through the west and the north, to the richest provinces beyond the Tay. The gentry, among other efforts to promote manufactures, had begun to breed their sons to mechanical arts, in order to retain them at home. By the abrogation and sale of hereditary jurisdictions, the poverty of the nobles was relieved, and the people were emancipated from their oppressive coercion. The country was gradually enriched by the troops retained to prevent insurrection; and from the advanced price and consumption of cattle in the

English market, the farmers accumulated their first stock for the improvement of the soil. The situation of Scotland attracted the peculiar attention of Pelham's administration; and ten years after the last rebellion, the benefits of the union began to be universally felt. The forfeited estates, instead of being sold as formerly, were appropriated to objects of national improvement; and industry was promoted by every encouragement which bounties can confer. The Jacobites, soothed by indulgence, and reclaimed by the gradual extinction of their hopes, began to transfer their allegiance from the ill-fated Stuarts to the reigning family; and under Chatham's administration, the Scots were employed in the army and navy in greater numbers than were ever known in any former war. Notwithstanding the commercial jealousy and opposition of the English, the merchants of Glasgow had acquired a large share in the tobacco trade; but their exports at first were supplied from England, till they adapted their own manufactures to the colonial market; and from that period the prosperity of Scotland has properly commenced.

BOOK XI. 1755.

When the nation was no longer agitated by domestic faction, literature was again cultivated and restored with unexampled success. During the civil wars, the classical learning for which the Scots were early distinguished, was absorbed and lost in the controversial vortex of religion and

Literature restored.

BOOK XL 1755.

liberty; two names ever dear to mankind, with which the world has alternately been guided or deceived. From the restoration down to the union, the only author of eminence whom Scotland produced, was Burnet, the celebrated bishop of Sarum, who, when transplanted into England, was conspicuous as a political writer, an historian, and a divine. As an historian alone he descends to posterity; and his curious research into facts, the unaffected ease and simplicity of his dramatic narrative, his bold and glowing delineations of character, are far superior to every historical production of the period. After a long interval the poetical genius of the Scots was revived in the tender and luxuriant Thomson; but the spurious poems of Ossian, a recent forgery, still continue to pollute their history and to corrupt their taste[96]. For a time the mathematical sciences were diligently cultivated; and the medical schools established at Edinburgh acquired an high reputation, which is still preserved. But the Scots, when deprived of their own, contemplated the English constitution, in which their passions were less interested, and the affairs of mankind in general, from which they were estranged, with a more discerning, calm, and unprejudiced eye; and in metaphysical, moral and political science, Hume and

[96] See the annexed Dissertation on the supposed authenticity of Ossian's Poems.

BOOK XI. 1755.

Smith appear without a competitor, as the first and most original philosophers of the age. The history of England was investigated by Hume, not with the eyes of a patriot but of a philosopher; and from each author whom he consulted, selecting alternately the choicest diction, he constructed an artful narrative, in which strength, precision, elegance, and a copious simplicity are infinitely diversified [97]; a narrative interspersed throughout with the most profound reflections; and, though partial, perhaps, to a particular system or party, enriched with the most philosophical views of the arguments and peculiar opinions of the times. Less acute, argumentative, and profound, but more correct, inventive, and uniformly elegant, Robertson aspired to the native graces of the English language, and added the rare praise of laborious fidelity to the palm of history which Buchanan originally conferred on Scotland. Their steps were followed by others with unequal success; but a few original authors communicate their taste and literature, if not a portion of their

[97] Compare with Clarendon, for example, Hume's narrative of the assassination of Buckingham. The orations of ancient history are justly exploded, as an ornament destitute of verisimilitude, and derived originally from the rhetorical schools. Hume's history is liable perhaps to a similar objection; that the views and arguments assigned to each party are too refined and philosophical for the age to which they are ascribed.

BOOK XI. 1755.

divine spirit to their age or nation; and, instead of that classical erudition which adorns England, but which is apt, perhaps, to degenerate into verbal or at least grammatical disquisition, philosophy, moral and political, is cultivated in Scotland, whose authors are still distinguished by their science, and by an original freedom of thought and discussion.

The administration of justice was improved by the union. When hereditary jurisdictions were abolished, each county was relieved from the most vexatious oppression, and thirty sheriffships at the disposal of government, soon reconciled the disaffected bar. The supreme judges, whom the government had no interest to bias, ceased to participate in domestic faction; but the court of session was indebted to Forbes for its present purity, which succeeding presidents were assiduous to preserve. Perhaps the least violent, and the most salutary improvement in the administration of justice, is to open the courts of justiciary and exchequer, under able judges, to the same causes which are competent to the session; that when the subjects are admitted, in civil questions, to the cheap and expeditious alternative of a jury trial, the mutual emulation of the three courts may introduce the same simplicity and dispatch into the forms of judicial procedure[98].

[98] See Considerations for Dividing the Court of Session into Classes or Chambers, and the Revival of Jury Trial in Civil Actions; by the late lord Swinton.

The presbyterian church, so conspicuous in the history of the former century, has excited little attention during the present. The rights of patronage were restored in the last years of queen Ann. A public toleration was granted to episcopal ministers, using the liturgy, and accepting the oaths to government, which were artfully imposed on the presbyterian clergy, with an implied acknowledgment, to which it was difficult to submit, that the successor to the crown must profess the same communion with the church of England. The obvious design of the tories in these acts, was to supplant the presbyterians in ecclesiastical government; but the last act has disarmed the intolerance of the clergy, while the first has introduced a mild and more liberal spirit into the established church. While the choice of a pastor was lodged with the parish, the clergy were reduced to the necessity of low adulation; and, to preserve their influence over the people, they were obliged to cultivate the most popular and fanatical arts. Grace and zeal were invariably preferred to moderation and learning; but the clergy recommended to the notice of the patrons by more laudable arts, acquired more liberal and enlightened ideas. The austere and morose enthusiasm of their order has been gradually refined; but it may be questioned whether the revival of patronage has contributed much to their influence, or to the stability of their church. Their depen-

BOOK XI. 1755.

dence on the patron is slight, or of short duration; and when their former connexion with the proprietors was dissolved, a pernicious emulation was naturally excited, productive of litigious and endless disputes. The adherents of patronage, in opposition to the popular or wild presbyterians, arranged themselves on the side of the court; but within a few years the intolerance even of those moderate presbyterians occasioned a wide and memorable secession, which undermines and threatens, at some future period, to overturn their establishment. Whatever fanaticism remains in Scotland is preserved by the *Seceders*, who adhere to the covenants and austere morals of the old presbyterians; and though divided among themselves, have continued rapidly to encrease, while episcopacy, destitute of enthusiasm for its basis, has almost disappeared.

Conclusion.

But the beneficial effects of the union were peculiarly reserved for the present reign. The progress of industry and trade was immense; new manufactures, particularly of silk, were introduced with success; the Scots employed in the seven years war, returned from abroad with the means or spirit to improve their estates; and the rapid cultivation of the country has redoubled the produce and the value of the soil. Before the commencement of the American war, the merchants of Glasgow had engrossed the chief trade in tobacco for exportation. The interruption of trade

during that disastrous war, directed their capital, and the national industry, to the improvement of domestic arts; and from the perfection of modern machinery, the cotton manufacture, a recent acquisition, in all its branches so prodigiously increased, already rivals and supplants the productions of the ancient looms of Indostan. Doubtless much is to be ascribed to the spirit and progressive state of the nation; but without an union, its unavailing efforts would have still been discountenanced by the commercial jealousy, and depressed by the influence of the English government. The recent benefits of the union are truly inestimable; and if its articles, which are too numerous, and on some occasions preclusive of improvement, have ever been infringed from inadvertence, a British parliament can have few temptations to depart from them by design. National animosities are at length obliterated; and though still regarded as scarcely naturalized, the Scots assimilate so fast to the language, the manners, and the taste of the English, that the two nations cease to be distinguished in the subsequent history of the British empire.

NOTES AND ILLUSTRATIONS.

NOTE I. p. 15.

BURNET, i. 178. Baillie, ii. 431. Cunningham's Hist. of Britain, i. 13. The fact mentioned by Burnet, and confirmed by these writers, is preposterously questioned by Dr. Campbell. Biog. Brit. iii. 190. But Burnet's veracity, at least in Scottish affairs, is attested throughout by his coincidence with Wodrow's History and original materials; an immense mass of MSS. in the Advocates' Library, which I have carefully inspected. The coincidence is the more remarkable, as Wodrow, who published in 1721, 1722, had never seen Burnet's History, published, the first volume in 1723, the second in 1734. In writing from memory, Burnet neither is, nor pretends to be, always correct in dates; and in his latter days he was undoubtedly credulous. But his narrative is neither to be rejected because the dates are displaced, nor are the glowing characters of nature to be discarded because they coincide not with the prejudices of party writers. If we compare his narrative and characters with those of Clarendon, and consider how superior they are to every cotemporary production, how frequently they have been silently transcribed by succeeding authors; (Hume him-

self, for instance, who blames them most,) and how imperfectly their loss would have been supplied by more recent memoirs, we shall discover the real value of Burnet as an historian.

NOTE II. p. 70.

In the last, and till Forbes was appointed president in the present century, it appears that frequent injustice was incurred from causes being called and decided irregularly, at the option of the president; that the presence, or the absence of particular judges might determine the question according to his mind. To correct this iniquity, the preceding parliament, in an act to regulate judicatures, had ordained: 1. That every cause to be heard in the inner house *should be inrolled, and called* according to the date of its registration: 2. That if a cause is called by anticipation out of its due course, neither party is bound to plead or to appear. It is declared a sufficient defence that the cause was called out of the order of the rolls; and although the parties should not object, the clerks are forbidden to engross or to extract the decision of the court. Parl. 1672, cap. 16. § 5. 12. It is difficult to conceive a stronger prohibition; but the parties, not aware of Lauderdale's intention, had not at first objected; the cause was not inrolled, as required by the act; and when reported to the inner house, it was not therefore called out of its due course in the rolls. On such miserable chicane does that great lawyer, lord Stair, place the judgment which he pronounced. Stair's Decisions, Feb. 5th, 1674.

NOTE III. p. 91.

The only historical facts are, the speech in March, the Archbishop's murder in May, the insurrection in June;

circumstances of which the first and last are too remote to be received as cause and effect. The supposed effects of the speech are transcribed by North and Echard, from pamphlets written during the virulence of faction, which contain little else than the political lye of the party or of the day. Nothing is more common in faction than to ascribe the necessary effects of injustice and violence to those who have deprecated and foretold the event; thus the loss of America has been imputed to a speech of the late lord Chatham. But of those who have improved upon North and Echard, Sir John Dalrymple is the most extravagant. Shaftesbury, who, calling in the aid of war to that party, had maintained a long correspondence, of which not a trace exists, with the discontented Scots, first taught them to complain of the tyranny to which they had long submitted, then instructed the English to feel and resent their sufferings; and lastly, by means of a few copies of an unprinted speech, roused eight thousand fanatical Scots to arms. Is this *historical painting* or the dreams of romance? Dalrymple's Memoirs, i. 266.

NOTE IV. p. 111.

HUME considers Spreule's as an extraordinary case. He was examined on the ordinary questions—was Sharp's death murder? &c. and on an imaginary plot to blow up the palace together with the duke. Dalrymple informs us that Wodrow had gained credit by appealing to the council records which he, sir John, had examined, but found no reason for the imputation that the duke attended when Spreule was tortured. In the first place, although the acts of council, in which its proceedings were never inserted, are still preserved, the council records from 1678 to August 1682, though inspected by Wodrow, have been

amissing from the public offices above fourscore years. Secondly, Wodrow does not appeal to the council record, but to the more unsuspicious testimony of Spreule himself, who was alive when he wrote. The council record is transcribed by Wodrow; but as the duke's attendance was voluntary, his name is not inserted in the committee appointed to superintend the torture. Dalrymple's Memoirs, i. 13. Wodrow's Hist. MS. Col. vol. iv. 8vo.

The only instance which I have found, of an equivocal humanity in the duke's administration, it would be unjust to suppress. Five young men were selected from the prisoners for the regiments in Flanders; but their behaviour before the privy council was so intrepid or treasonable, that they were transferred to the justiciary court to be condemned and executed, and their heads to be exhibited as usual on the city walls. Next day four more were produced, to be sent to Flanders; but as they began in the same strain, the duke ordered them to be removed that they might not hang themselves with their own tongues. Fountainhall's Decisions, i. 158—60.

NOTE V. p. 145.

This rude but affecting declaration may explain their calamities and the extent of their wrongs: "We do hereby "testify that we utterly detest and abhor that hellish "maxim of killing all who differ in judgment from "us. Yet we declare, that whosoever stretch forth "their hands against us by shedding our blood, either by "authoritative command, such as bloody counsellors, "(bloody we say, insinuating thereby an open distinction "between the cruel and blood thirsty and the more "sober and moderate,) justiciary generals, &c. all who "make it their work to embrue their hands in our blood, "or by obeying of such commands, as malicious soldiers,

" gentlemen or commoners, who ride or run with them " to lay hold of us, viperous bishops, curates, and all " such intelligencers and others who at sight of us raise " the hue and cry against us, shall be reputed enemies to " God and the covenanted reformation, and punished as " such, according to our power and the degrees of their " offence; chiefly if they shall continue obstinately, and " with habitual malice to proceed against us.—But we do " abhor and condemn any personal attempt without pre- " vious deliberation, common concert, and sufficient proof, " therefore let them be admonished of their hazard, and " specially all ye intelligencers who, by your informations, " render us up that our blood may be shed." Wodrow, ii. App. 137. From archbishop Sharp's murder the statesmen had some reason to be apprehensive of their lives. But from the nature of their government little doubt can be entertained that one part of the nation, but for the revolution, would have degenerated into assassins.

NOTE VI. p. 335.

The following letter from lord Stair to the earl of Mar is characteristical and curious.

" *3d January* 1706.

" I acknowledge the honour of yours of the 25th past, " in which your lordship hath been pleased to give me a " full and clear view of our affairs, how far they have " been successful, and where there is danger that they may " miscarry.

" I am convinced the Inglis have done very handsomely " and obligingly in repealing all the clauses of their act " which were either injurious or grievous to us; and " though there were no more success to be hoped for from " the treaty, yet that same was well worth all the struggle

" we had to obtain it; and it carries an air of reproof to
" two sorts of people; either those who would not enter
" into a treaty because they pretended no good would be
" got by it, and others who were so fond as to have ren-
" dered without any terms, to which it was impossible to
" have brought our nation or parliament. I shall be sorry
" if the Inglis insist too peremptorily upon an entire
" (union) at present. Your lordship knows my sentiments
" on that matter, that I do firmly believe an incorporating
" union is the best for both nations; but that may require
" more time than the present circumstances do allow; for
" if we should be so unhappy as to be deprived of her
" present majesty before the succession is settled, great
" mischiefs may follow. Therefore I wish that upon the
" settling of a free trade betwixt the nations and all free-
" dom of the plantations, that the succession were present-
" ly declared in our next session of parliament, and that
" the treaty of an entire union might likewise proceed so
" as a scheme thereof might be offered to both parliaments;
" and if more time were found to be necessary for that,
" yet it needed not stop the other from being presently
" concluded and declared.

" For the nomination I think your part in stating the
" difficulty and giving the general opinion, I conclude the
" court will hardly adventure to make another mixture
" without either our's, or the opinion of our friends here
" and if they be of another mind, I think it's our part to
" submit: if that other brings the matter to a good con-
" clusion, as not to be considered by what hands, and if
" the affair miscarries you are exonerated; but I am
" afraid another stop of this kind will render D. Queens-
" berry so jealous that he will not meddle, and your lord-
" ship will consider how the business will succeed without
" him. 'Tis a great happiness for the public and security

" of the people that the two secretaries, and the great men " in the government, are of the same sentiments. So long " as you continue so as impossible for business to miscarry; " it may stick at one time, but it may do at another. All " the opposition can only retard, but without this settle- " ment there is nothing considerable, either ill or good, " can be done with us. But though you should not come " to open breaches, if there arise diffidence or shyness " amongst you, then you ruin yourselves, your friends and " country. Therefore the common interest is more to be " minded than the particular part that every man is to act. " Nor is it always the greatest actor that represents the " greatest person; but the several parts are to be given so " as the whole plot may be best executed. It's only on " this point that I fear heart burnings may arise. The " court and our friends there should digest and prepare " this matter, and I hope the persons shall acquiesce in " what parts friends do assign them; and whoever be the " principal actor, they should be contented to act with " concert, and to allow others their share in the influence " and disposal of things, according to their interest and " weight in the party.

" I do not believe that the two dukes will differ in re- " lation to the M. of Annandale. He must either recon- " cile and quit his humour before the nomination, or " then there will be an end of him; and there will " be the more need of caution to retain our friends here " and care to take off some that were in opposition. In " order to retaining friends it is absolutely necessary to " finish what was begun with the northern squadron. I " know it's not your lordship's fault that Grant is not " provided as yet, but except be sheriff of " Ross, they will never be hearty, for he manages the " rest; and George Brodie is earnest that Captain Brodie

" be under-chamberlain of Ross, which has some diffi-
" culty; but it must either be done, or that kept fair in ex-
" pectation, which will have great influence in the North;
" for though that corner, which had many representatives,
" are the most disaffected to the present establishment and
" the succession, yet the matter of trade is more in their
" heads than any others in parliament, which may make
" them easy in the parliament to ratify these good terms
" that may be obtained in the treaty.

" For getting of some of our opposers I wrote formerly
" to E. Loudon, how little I believed of advances had
" been made by the leaders; my lord Arniston is very cur-
" rent for the treaty, and that we should take the best
" terms we could get, for breaking up is ruin; and he
" says he would not stick at quitting our act of peace and
" war, which is a fair advance. He is the first baron in
" parliament, and you will find few of his state to be put
" upon the treaty. There's indeed a charm in being en-
" gaged in a party in common take men off
" from their own reason; but yet if he were named and
" on the treaty, I think I could answer for him, and he is
" certainly for the constitution. There is another friend
" of yours of whom I'll write to Loudon when I have
" more assurance. He does not desire to be in the treaty,
" and he is valuable for his tongue, and I think not high
" in his pretensions. All his friends are of our side, so
" if he comes there is no fear that he goes off again.

" For military matters, I pretend not to understand
" them. All these gentlemen are so touchy, that they are
" ready to mistake or quarrel even what's done for their
" service to accommodate all matters. I must say the
" officers of our army having not frequent occasion of
" fighting for us, they are to be otherwise useful; and there
" is such a connection and dependence betwixt the state

" and the army, that the nomination of officers never was
" out of the hands of the ministry. No doubt great re-
" gard will be had to the recommendation of the com-
" mander in chief, as to the recommending of staff offi-
" cers for the subalterns where no other reason of state
" interferes. For a new parliament I wish this were bet-
" ter; but till it fail us I would not try another, lest that
" be worse. I must say the parliament never failed where
" the ministry was not divided; and in the new elections
" the party in opposition will have the advantage of us in-
" diligence; and a person inclined to the court is easy put
" by from being chosen in his country. It would raise a
" new ferment; whereas our humours rather cool, and
" it's too true that men who desire easy fair things are sel-
" dom so active as those who have worse intentions."

NOTE VII. p. 354.

Lord Glasgow, Queensberry's instrument in managing the Scottish parliament, produced on oath under Harley's administration, an account of the distribution of the 20,000l. See Lockhart's Appendix. Tindal's Rapin, iii. 777. Cuningham endeavours to vindicate his friends, Hist. ii. 61. 352; but they durst not dispute Glasgow's veracity in the account delivered to the house of commons. Marchmont's share was 1104l. Tweedale's 1000l. Roxburgh's 500l. Montrose's 200l. but it is to be observed that the two former obtained no promotion, the two latter were created dukes and had no claim whatever to arrears. Some it is said, who granted no discharges, drew their arrears a second time out of the equivalent, from which Queensberry received 23,000l. as commissioner. besides 12,000l. the balance of the 20,000l. which he was permitted to retain. The reader may be surprised at the small sums (25l 50l. 75l. 100l.) employed as bribes, but when

reduced to Scotch money, three, six, nine, and twelve hundred pounds, have a better sound, and are quite adapted to the poverty of the country in these times. The least is lord Banff's 11l. 12s.; but we discover from Carstairs that his lordship, a papist, was so poor as to embrace the protestant faith that he might solicit a small sum for his journey or vote in parliament. Carstairs, 737. Never was an union so cheaply purchased.

Dr. Somerville observes that the money was partly distributed as arrears, partly to defray the expence of magistrates, partly to counteract the intended bribery of the French and Dutch. Hist. Q. Anne, 223. The question is not whether the arrears were due, but whether they would have been advanced unless to purchase votes. The marquis of Athol, who received his arrears, but retained his vote, is a singular exception; nor do we know what secret services he might have performed, like Hamilton. But arrears never paid till then, to create influence, are not the less bribes because they were justly due. As the provost of Wigton, the only magistrate in the list, sat in parliament, the money was undoubtedly given for his vote. The bribery intended, but never practised by the Dutch, is a mere egotism of Cuningham the historian, who affects to have dissuaded them by his influence from the attempt. Hamilton required 20,000l. from France to prevent an union; the very sum which Queensberry procured from England. But the smallness of the bribes must be ascribed to the want of a competition for the purchase of votes.

NOTE VIII. p. 362.

A LATE historian of the Hamilton family, quotes a letter from Middleton to Hamilton, "beseeching his grace, in be-"half of his master, to forbear giving any farther oppo-

" sition to the union, as he had extremely at heart to give " to his sister this proof of his ready compliance with her " wishes; not doubting but he would one day have it in " his power to restore to Scotland its ancient weight and " independence." A letter quoted as extant, might have passed as authentic: but the author, *lest any doubt should be entertained that such a letter once existed*, quotes another from Hamilton to his son. " Tell my lord Middleton not " to be uneasy about his letter; I have been too sick to " answer it, but I burnt it with other papers for fear of " accident." Till a letter mentioning that another had been burnt, shall be received as sufficient evidence to authenticate a quotation from that last letter which was burnt, it will be difficult to persuade the world that Godolphin and Marlborough meant to restore the Stuarts, or Harley to secure the protestant succession. Hamilton's Trans. during the reign of queen Anne, p. 43—4.

DISSERTATION

ON

THE SUPPOSED AUTHENTICITY

OF

OSSIAN's POEMS.

Igitur qui de veteribus annalibus Britannorum originem afferre se asseverant, reddenda opinor illis erit ratio, quis primus ista tradiderit, ubi tamdiu latuerint, quomodo ad nos tot post sæculis incorrupta pervenerint. Quod autem ad Bardos et Seneciones, veteris memoriæ custodes, quidam confugiunt, prorsus perridicule faciunt. Id autem multo magis intelligetur, si explicavero quale fuerit id genus hominum, cui de tantis rebus, tam obscuris, et a memoria nostra tam procul remotis, fidem haberi volunt.

BUCHANAN'S HIST. L. II.

AS the poems of Ossian are about to be published in Earse, their supposed original, some reason may be expected for transferring them from the third to the eighteenth century. The argument already stated and explained, in the third volume, (p. 45.) I hold to be unanswerable. In ascribing such primeval refinement to the first and rudest stage of society, we must believe that the highlanders degenerated on emerging from the savage state, and became more barbarous in proportion as they became more civilized. But the believers in Ossian may still require a more minute detection, which infidels will not be displeased to

peruse; and unless my opinion is fully vindicated, I shall be accused of an invidious opposition to our national bard, on the eve of his appearance in the original Earse. The detections that occur, will exceed the usual latitude indulged in these notes. In reducing, however, the numerous detections, historical and critical, under a few general heads; I. The Roman history of Britain: II. The middle ages: III. Tradition: IV. The customs and manners of the times: V. The real origin of the poems: VI. Imitations of the ancient and modern poets: VII. The pretended originals: VIII. Macpherson's avowal of the whole imposture; it is my sincere desire to disabuse my countrymen, and to put an end, if possible, to the controversy and to the deception for ever.

Detection of Ossian.

I. 1. That the Highlanders, to whom the name of Scots was at first appropriated, originated from Ireland, the ancient *Scotia*, is an historical fact, which was never controverted except by Maitland, Goodall, and the two Macphersons. The latter have wisely abandoned a millennium of fabulous kings. But the arrival, or the return of the Scots from Ireland, under Fergus Mac Erth and his brother Loarn, is established by the concurrence of every Scottish and Irish historian; and their first arrival is marked by Bede, under Riada their leader, from whom their settlement was named Dalriada. Their migration is confirmed by the Irish histories, and their arrival is fixed at the year 258; when a colony was first conducted by Riada to Argyle. In the next century they occur in Marcellinus, under the designation of Attacotti and Scots; a new people, unknown to Ptolemy, that retained the same settlements in Argyle till expelled by the Picts. But whether their first migration and arrival from Ireland is placed at 258, under Cairbar Riada, or postponed till 503, when they were restored by Fergus, it is an historical fact that there was not a high-

lander in Scotland, of the present race, at the beginning of the era assigned to Fingal[1].

From Roman history.

2. Macpherson had discovered from Toland, O'Flaherty and Keating, that Fingal and his heroes were real characters in the history of Ireland, whose true era was from the middle to the end of the third century. In appropriating those heroes to the Highlands of Scotland, he found a convenient chasm in the history of Britain under the Romans, and connected Fingal with Caracalla in 208, and with Carausius the usurper in 286, in order to ascertain his era without recourse to Ireland, and to escape detection during the intermediate period. His reign and exploits are prolonged, in the Temora, to the battle of Gabhra, where Oscar was killed by Cairbar in 296[2]; with the same propriety as if some youthful patriot, who had resisted an union in the Scottish parliament, were again introduced at the end of the same century, as opposing an union with Ireland in the British senate. By connecting his poems, however, with Roman history, Macpherson has fallen into the most ridiculous mistakes. The absurdity was remarked by Gibbon, that the highland bard should describe the son of Severus "by a nickname invented four years afterwards,

[1] See in Whitaker's Genuine History of the Britons asserted, a full confutation of Macpherson's objections to Bede, and of the descent of the Irish from the Caledonian Scots. See Usher. Stillingfleet. Kennedy. Pinkerton's Introduction, &c.

[2] The battle of Gabhra, in which the Fions or Clan Boiskin were destroyed, is placed by O'Flaherty in 291, but by most others in 296. Ledwich's Antiquities of Ireland, p. 10. Campbell's Strictures on the History of Ireland, p. 185. O'Halloran's Hist. of Ireland, i. 280. The book of Houth, and other Irish Annals, render the fact indisputable; (Transactions of the Royal Irish Academy, i. 118.) and the period was sufficiently within the reach of traditionary history, on the introduction of letters by St. Patrick. See Pinkerton's Introduction to the History of Scotland, ii. 74.

"scarcely used by the Romans till after the death of that "emperor, and seldom employed by the most ancient his-"torians[3]." The detection is as complete with respect to Carausius. In the middle of the ninth century the fabulous Nennius placed the wall of Severus between the Forth and the Clyde, and represented Carausius as the contemporary and successor of that emperor, revenging his defeat and death on the natives; as repairing and fortifying his wall with seven castles; erecting Arthur's oven as a monument of his victories, and imposing his own name on the river Carron. That the wall of Severus, if ever erected, extended nearly in a line with Hadrian's from the Tine to Solway, and that the country, within the wall of Antoninus, between the Forth and the Clyde, was abandoned by Caracalla, is a fact, which, though unknown to Macpherson, has been fully established by every English writer, Usher excepted, from Bede to Horsley and Roy. Buchanan, whom Macpherson consulted, was deceived by Nennius; and on this wretched fable the additional fictions of Ossian are constructed. Fingal is represented in Comala as encountering Caracalla on the banks of the Carron; in Carrick Thura, as returning from an incursion into the Roman province of Valentia, which did not then exist; and in Croma, Oscar opposes Caros, king of Ships, entrenched at Carron behind his gathered heap, which, as the wall in Scotland was not built by Severus, Carausius the usurper did not repair. From his gathered heap or collection of stones, Macpherson evidently imagined that the stone wall ascribed to Severus *(ad murum, Newcastle)* belonged to Scotland, and was ignorant that Agricola merely erected a chain of forts; Antoninus, a *vallum*, or turf rampart and

[3] Gibbon's History, i. 8. 209. Macpherson gives three etymologies of Caracalla; *carac-shuil*, terrible eye; *carac-sealla*, terrible-look; *carac-challamh*, a sort of (terrible) upper garment. Ossian, ii. 222. edit. 1773.

trench[4]. Trusting to the Scottish antiquaries, he is equally ignorant that the interpolator of Nennius is the sole foundation for the battles and the buildings of Carausius at Carron, and the only authority on which it is celebrated by Buchanan and himself, as the furthest limit of the Roman empire.

"Hic contenta suos defendere fines
"Roma securigeris prætendit mœnia Scotis,
"Hic spe progressus prosita, Caronis ad undam,
"Terminus ausonii signat divortia regni."

BUCH. ii. 56.

3. Carron, assigned by Buchanan as the boundary of the Roman empire, and the scene of Douglas, a tragedy then so popular, Glencoen, or Cona, infamous among the highlanders from the massacre of Glenco, Dumbarton, the Alcluith of Bede, in short, the most noted or classical places in Scotland, are thus, by a dexterous anticipation, appropriated to Ossian. Balclutha, in the poem of Carthon, was burnt by Comhall, the father of Fingal. Dumbarton could not have escaped the accurate observation of Ptolemy, a contemporary, had it existed then. The Romans, when the wall of Antoninus was erected in 140, would neither have permitted the Britons to retain a fortress of such considerable strength, nor could Dumbarton, in the second century, have been destroyed by Comhall, on account of its extreme vicinity to the end of the wall. The fact appears to be, that it was built by the Romans, and named Theodosia[5], from Theodosius, Valentinian's general, who,

Dumbarton

not then built.

[4] Nennius, cap. 148—51. Horsley's Brit. Rom. l. i. c. 9, 13. Pinkerton, i. 45. Innes' Crit. Essay, i. 15. Gordon's Itin. Septentrionale. Roy's Mil. Ant.

[5] "Maximus hic visitur lacus, cui nomen olim Lyncalidor; ad cujus ostium condita a Romanis urbs Alcluith, brevi tempore a duce Theod-

in 367, recovered and erected the country abandoned by Caracalla, into the province of Valentia, between the walls. Balclutha, therefore, had no existence when it was sacked by Comhall; and I suspect much that the incident is derived from the destruction of Dumbarton, in the ninth century, by the Danes from Ireland.

Balclutha a fictitious name.

The name itself is an additional detection. When erected by the Romans it retained the name of Theodosia and the privileges of a Latin town *(jus Latii)* till transferred, on their departure, to the native Britons, who formed the kingdom of Strathclyde Welsh. On becoming their capital, it received, or perhaps recovered, the name of *Al*cluyd, explained by Bede the rock of Clyde. Unable to discover the word in Earse, Macpherson imagined that Bede was mistaken, and translated the Gothick, and comparatively recent names of Dunclidon and Dunbarton, the town of the Britons, into Balclutha, the town of Clyde[6]. But that Bede's etymology was correct, and Macpherson's a fictitious name of his own, is proved not only by Richard,

dosio nomen sortita, qui occupatam a barbaris provinciam recuperavit: cum hac comparari potuit nulla; utpote quæ post fractas cæteras circumjacentes provincias impetum hostium ultimo sustinuit." Richard of Cirencester, l. i. c. 6. If the authority of Richard is denied, the silence of Ptolemy, who enumerates the towns of each nation, is decisive against the existence of Alcluith in the second century. Alauno has been transferred from Stirling to Keir, and the Castra Alata from Edinburgh to Cramond or Inverness. As Alcluith was so long unoccupied, it is singular that the Romans, adhering to an established plan of defence, neglected three such natural fortresses as Dumbarton, Edinburgh, and Stirling, for a line of forts and a wall from frith to frith.

[6] Macpherson, who might discover in Goodall's Introduction to Fordun (published 1759) the destruction of Alcluyth in 870 by the Danes, imagined that *Al* a rock was a mistake of Bede's for Ball a town. Dunclidon, which he evidently translates Balclutha, has no authority, I suspect, but Baxter's emendation of the Clidum of Ravennas. He has given us another town, Balteutha, to be still discovered on the Tweed.

but Adomnan, who preceded Bede, and who translated *Alcluyth* into *Petracloith* in his life of Columba.

4. Fingal's intercourse with other nations affords the same minute, yet conclusive detections. Innistore, the isle of wild boars, which occurs in an Irish ballad to be quoted in the sequel, is transferred to the Orkneys, and interpreted the isle of whales; from a fanciful etymology which Toland's History of the Druids suggested to Macpherson. Conscious, however, that *torre* never signified a whale in Earse, Smith converts the name into *Innis-orc*, or *Orc-innis*, (isle of whales) from the Latin *orca*, or the English *orc*; a word introduced into their language by the Irish priests. It is evident that Macpherson, who was far gone in Toland's Celtic etymologies, inverted or translated the *Orkneys* into Earse, and converted the name into Inistore, (Torry isle on the west of Ireland,) for the benefit of the sound[7]. But the Orkney isles, which he peoples with Scandinavians, were either uninhabited then, or were possessed by the same Picts whom he confounds indiscriminately in Scotland, both with the Cimbric Britons, and with the Irish Celts. Solinus, a contemporary of Fingal, describes the islands in 240 as destitute equally of inhabitants and of woods, and as covered only with shrubs or heath; "Orcades numero tres; vacant homine; non habent "sylvas; tantum junceis herbis inhorrescunt; cætera "earum nudæ arenæ et rupes tenent[8]." From this accu-

Orkney deserted or possessed by Picts.

[7] Toland's Hist. of the Druids, 91. n. Smith's Gaelic Antiquities, 231. Collectan. Hiber. iii. 370. See in Macpherson's Introduction to the History of Britain, a ridiculous list, from Maitland, (Hist. Scotl. i.) of Latin words, among others *tericum*, *teriam*, silk, derived from the Earse. His etymology of Britain is curious; *braid*, extensive, *broad*; *in*, land. Ossian, i. 206. Thus these Celtic etymologists return us our own words as well as our own poems for Earse.

[8] Solinus, cap. 35, where Richard seems to have read *Triginta*, for which *tres* perhaps is a manuscript mistake, l. i. cap. 8. The Orkneys, as appears

rate and picturesque description, I prefer his authority, that the islands were then uninhabited, to Tacitus' vague account of Agricola's fleet, "quas Orcades vocant, invenit "domuitque;" and to the poetical fictions of Claudian, who, in the fourth century, peoples Thulé with Picts, and the Orkneys with Saxons, instead of the Saxon isles. Their first inhabitants were the same Picts who inhabited Scotland. The Norwegians had not acquired the islands in the sixth, nor begun to people them till the eighth century, when the petty princes of Norway were expelled by Harold. But Macpherson, ignorant that they were destitute even then of wood, and utterly desert, unless possessed by the Picts, discriminates the Orkneys by the circle of Loda, and diversifies the scenery with aged trees, the flaming or the fallen oak, and a rock with all its echoing wood.

No intercourse with Lochlin.

5. In the episode of Conban-carglas, daughter of Torcul-torno king of Lulan, (the names in the Cathloda are at least romantic,) we are required to believe that the highlanders were acquainted with Torneo and Lulea by name, at the bottom of the gulph of Bothnia, in Swedish Lapland, at a time when the Romans had no knowledge of Scandinavia beyond the Wener lake. Currachs of ozier, covered with hides, were the only vessels which the highlanders possessed; and as they were neither pirates nor traders, nor sailors, nor addicted ever to the sea, we may truly affirm that they never passed into Scandinavia in a single ship. The invasions from Lochlin, a name unknown till the ninth century, are equally fabulous. The Suiones,

Unknown in the third century.

from the earliest Norwegian accounts, were without trees. Solinus is generally accurate, though ridiculed for denying bees to Ireland. But Giraldus Cambrensis, who mentions their introduction, ascribes their scarcity to the high winds and humidity of the climate, and to the noxious yews which were numerous then. Cambr. Topogr. Hiber. l. i. c. 5.

when distinguished by Tacitus as the only northern nation possessed of ships, were still ignorant, in the second century, of the use of sails [9]. The Franks, instructed by the singular and recent escape of their countrymen, who circumnavigated Europe from the Euxine to the Rhine, were the only maritime people that infested the coasts of Britain till the Saxons appeared. Had the Norwegians applied so early to piracy or to the sea, as they must have been attracted by plunder to the southern shores, instead of Ireland, so their predatory expeditions could not have escaped the observation of the Romans, when Carausius was employed to intercept the Franks [10].

II. 1. These historical detections conduct us to the invasions of Scotland and Ireland, in the middle ages, by the Norwegians and Danes, to whom the traditionary poems in the highlands refer. Shaw, Hill, and Dr. Young, late bishop of Meath, who searched the highlands successively for originals, discovered no tradition whatsoever of Swaran; but of Magnus Barefoot, who, seizing Cantire and the isles, was killed in Ireland in the beginning of the twelfth century, and who, with an anachronism not uncommon in traditions, is represented in some rude ballads as encountering Fingal. The name is retained by Smith, another reverend translator of those ballads into heroic poems; and Swaran, in the first Fragments of Fingal, written before the author had digested his plan, is denominated *Garve*, a literal translation of *Magnus* into Earse. But Macpherson perceived the traditionary anachronism; and to render the king of Norway contemporary with Fingal, converted Magnus into the fictitious Swaran.

Detections from the middle ages.

Magnus

[9] Tacitus Germ. c. 44.

[10] See Gibbon, ii. 84. 123. 8vo. who is careful to distinguish the Franks from the Saxons.

Ketil. 2. In Carrick-Thura, an heroic poem, Fingal, returning from an expedition into the Roman province, sails next day to visit his friend Cathula, the son of Sarno, king of Inistore. Under the names of *Cathula*, the son of Sarno, altered and adapted to Celtick poetry, it is not difficult perhaps to discern *Ketil*, the son of *Biarno*, celebrated in Icelandic genealogies as lord of the Hebudes, of whom some traditionary report may be preserved in those islands. When the Western Isles were recovered by the Norwegian pirates from Harold Harfagre, of whom Macpherson has made some mention in the maid of Lulan, Ketil, a Norwegian employed to regain them, established himself there as an independent prince. Instead, however, of being a contemporary of Caracalla, or of Carausius the usurper, Cathula, or Ketil, the friend of Fingal, and the Norwegian lord of the Hebudes, lived in the beginning of the tenth century, and was connected, by the marriage of his daughters, not with the king of Morven, but with the petty princes of Dublin and Man [11].

Carrick-Thura. 3. But what shall we say to Carrick-Thura, the palace of the king of Inistore? In transferring his residence to Orkney, it was necessary to find a local habitation and a name. Thura is the name of a place in Caithness, of which the author had probably heard in Badenoch; and in searching Mackenzie's Maps, he discovered a Carrick in Orkney, which, when conjoined with Thura, seemed to approximate sufficiently towards a local appellation [12]. Thura and

[11] Ketil multis præliis, perpetuo victoriarum cursu, feliciter insulas domuit, fœderibus deinde præcipuis occidentalium regionum Principibus, et affinitate per filiarum conjugia sibi conciliatis, earum possessionem sibi confirmavit. Torfaeus Orcades, 14. See Eyrbyggia Saga, p. 5; Smith's Sean Dana for Cathuil, p. 160.

[12] Aboriginal Gaelic names of mountains are preserved in Wales; (Lloyd's Archæologia, Pref.) Welch or Cimbrick names in Scotland; and

Thurso are undoubtedly names of the same Norwegian or Gothic original; but unfortunately for the authenticity of the poem, Carrick is a recent name, of Celtick etymology, never known in those islands, till it was imposed by Stuart earl of Carrick, on a house which he built there in the last century.

4. The author discovered in Toland, and in Wallace's description, or Mackenzie's maps of the Orkneys, a remarkable circle of stones, similar to Stonehenge, which, whether erected by the Picts or the Norwegians, he has appropriated to his poetry, and dedicated to the Spirit of Loda. That they were raised by the Norwegians in the ninth century, and dedicated to Woden, a traditionary name, appears indisputable. But the origin of Loda, which has no affinity to the twelve names of Odin, seems to perplex the commentators on Ossian. Mallet's Introduction to the History of Denmark, which had been recently published, suggested both the idea and the name. The author asserts in a note that the circles of stones in Orkney retain to this day the name of *Loda* or *Loden*, and appeals to Mallet, as a proof that the temple built by Haquin at Drontheim went always under the same name of *Loden*. The first assertion I know to be false; and Mallet's words, from Olaus Wormius, are precisely these; Haquin Comte de Norvege, (Haco, in 978, appointed tributary earl of Norway by the Danes) en avoit bati un (temple) pres de Drontheim, a *Laden* (the name of the territory, not of the temple) qui Circle of Loda.

the names of the Western Isles, and of places along the coast of Caithness are still Norwegian. The Picts, whom the Norwegians found in Orkney, (Diploma in Wallace,) have bestowed their name on the Petland frith which divides it from Scotland; but the Pictish names of hills and isles are not to be discriminated from the Norwegian; a proof, at least, that the Picts were not Celts. Nor is there a Celtick name, the unfortunate Carrick excepted, to be found in Orkney.

ne cedoit guerre a celui d'Upsal. When afraid to introduce the Scandinavian deity into his poems by name, Macpherson converted *Laden*, into *Loden* and *Loda*, from its supposed resemblance to Odin, whom he names indirectly as the *Spirit of Loda*, or of the place of worship where the temple stood[13]. But when the author cannot adhere to the fact, in an appeal to books to which we have access, the world must be forgiven for rejecting the authenticity of the poems, when he appeals to traditions to which there is no access.

Tradition. III. 1. Among the common class of mankind, it is observed by Mallet that a son remembers his father, knows something about his grandfather, but never bestows a thought upon his more remote progenitors. The same argument has always convinced the learned, that poems preserved upwards of fifteen hundred years by oral tradition, was a fiction utterly unworthy of credit. "It is in-"deed strange," says Hume in a letter to Gibbon, "that "any men of sense could have imagined it possible, that "above twenty thousand verses, along with numberless "historical facts, could have been preserved by oral tradi-"tion, during fifty generations, by the rudest, perhaps, of "all the civilized nations, the most necessitous, the most "turbulent, and the most unsettled. Where a supposition "is so contrary to common sense, any positive evidence of "it ought never to be regarded. Men run with great "avidity to give their evidence in favour of what flatters "their passions, and their national prejudices. You are "therefore over and above indulgent to us in speaking of "the matter with hesitation[14]." To estimate the full force of this argument, let us remember that three fourths of the

[13] Mallet's Intr. i. 79. from Ol. Wormius. Dan. p. 6. Ossian, ii. 104.

[14] Gibbon's Mem. i. 149. Mallet's Northern Antiquities, i. 52.

civilized world have been employed, since the era of Fingal, in the recitation of poems, neither so long nor so intricate as Ossian's; and consider how small a portion of the psalms or liturgy can be preserved by memory, much less transmitted by oral tradition, for a single generation.

Mutability of language.

2. In the Fragments published in 1760, the translator, to prove their antiquity, assures us that "the diction is very "obsolete, and differs widely from the style of such poems "as have been written in the same language two or three "centuries ago." That the poems were preserved by oral tradition, in an obsolete diction, or, in other words, in a dialect already disused by the people, is alone sufficient to confute their authenticity. The mutability of language is counteracted only by letters and the art of printing, which, reacting as a model upon conversation, preserve and perpetuate an uniform and refined dialect, through the whole nation, from age to age. An unwritten language diverges in each province into a different dialect, and in every age assumes a new form, though the syntax and radical structures may remain. A tune, a tale, a genealogy, a ballad that adopts the diction of each generation, is the utmost ever preserved by tradition; and though the Scottish melodies are undoubtedly ancient, the songs themselves are of a recent date. But the Earse remained an unwritten language till the present age. That it has remained invariably the same language, since the first migration of the highlanders to Scotland, is disproved by its difference from the parent Irish, a page of which, a few centuries old, is confessedly unintelligible to the people at present[15]. That any traditionary poems of Ossian, of a remote antiquity, are preserved in the highlands, is refuted by an obvious fact; instead of connecting their clans with the Fions, or heroes

[15] O'Connor's Ogygia vindicated, p. 20.

of Fingal, the bards or seanachies have given to Scotland their own series of Dalriadick kings. Fordun and Winton, unable to discover materials for their histories in Scotland, had recourse to Ireland. At the coronation of Alexander III. the highland genealogist introduced by Fordun and his continuators, to recite the royal pedigree, instead of ascending from Fergus Mac Erth to Erth, Congal, Fergus, Fingal, and from thence, according to Macpherson's egregious fictions, to Comhal, Trathal, Trenmor, proceeds through the whole fabulous race, not forgetting Riada, to Fergus I. a sufficient proof that there was no tradition then of the six kings of Morven, whom the highlanders would not have failed to communicate to Scotland, along with their genuine list of kings. The genealogy of the clans has been pushed to the utmost, but not a single family is derived from the Fions. They were unknown to Monro, dean of the Isles, in his Genealogy of the Clans, and are mentioned in Buchanan's Surnames as an Irish militia commanded by Fion-macoel, concerning whose huge stature and exploits, "diverse rude rhymes were retained by the "Irish and some of the highlanders;" but Martin, who mentions the same traditions, and enumerates some Irish manuscripts found in South Uist, and Lloyd, and Mackenzie, to whom they were communicated, were equally ignorant of the kings of Morven, and of Ossian's Poems[16].

[16] Monro's Descrip. of the Western Isles and Genealogy of the Clans, MS. Adv. Lib. W. Buchanan's Hist. of the Buchanans and Scottish Surnames, p. 12. Martin's Western Isles, 89. 152. 219. The manuscripts of Beaton, which Martin mentions, were examined by Lloyd, who found three leaves of Cairbar Lifachair's history which Sir George Mackenzie quoted against Stillingfleet, but was unable to read. Stillingfleet justly observed, that Cairbar, an Irish king in 294, had been turned into an author by mistake. Origines Britannicæ, Pref. 42. But Sir George, who discovered the history of Cairbar, (the prince that killed Oscar at Gabhra, and appears so conspicuous in the Temora,) was still ignorant of Fingal and the kings of

§ 3. No sooner were the translations published than the traditionary existence of the poems disappeared. Of the numerous attestations from those who had *heard* or remembered to have *known* the originals, none, it is observable, ever presumed to assert that they possessed in writing, or could repeat from memory, much less that they had originally furnished, a single fragment of the poems which Macpherson had translated. When Johnson visited the Western Isles, the natives had nothing to communicate that deserved attention. Stone, a collector of Earse poems, who preceded Macpherson, Shaw, the author of the Gaelic Dictionary, Mr. Hill, an English gentleman, Dr. Young, ate bishop of Meath, Sir James Foulis, an enthusiast for Celtick poetry, discovered only such rude rhymes of the fifteenth or sixteenth century, as, Ossian's religious dispute with St. Patrick, the battle between Fingal and Magnus, the combats with Con, Muirartack, Ullin king of Spain, Erragon of Lochlin; the death of Oscar, of Deirdar, and of Dermid, who trod on the poisonous bristles of a wild boar he had slain [17]. In their research for manuscripts, John- Attestations.

Morven, in his researches among the highlanders concerning the antiquity of the royal line. Nicholson's Scottish Hist. Library, ch. ii. p. 24. Mackenzie, ii. 430.

[17] See Mr. Hill's Collection in the Gentleman's Magazine, 1782—3, Dr. Young's in the Transactions of the Royal Irish Academy, vol. i. We are told that Jerom Stone, a schoolmaster at Dunkeld, whose English poetry was inserted in the Scots Magazine 1756, had conceived the idea of translating Ossian, long before Macpherson appeared. Smith's Gael. Antiq. 92. n. Stone's Collection of Earse poems is in Mr. Chalmer's possession, and from the list now before me, it is certain that he discovered nothing else than those Irish ballads described above. The late sir James Foulis applied to Earse, in his old age, in order to read the epic poems of Ossian in the original; but when he had acquired the language, the epic poems were not to be found. He had nothing to contribute to the Perth edition of Gaelic poetry but those Irish ballads; and in his letters, he inveighs bitterly against Macpherson. "Ossian Macpherson is an execrable

son's assertion remained undisproved, that there was not an Earse manuscript above a century old. As a proof that the highlanders were neither rude and illiterate, nor the Earse an unwritten language in Ossian's days, we are gravely told, in reply to Johnson, that the Druids, when expelled from Scotland, retired to Iona, where they established a college, and lived and taught unmolested till dispossessed in the sixth century by Columba [18]. There is no proof but conjecture that the Druids ever existed in Ireland, where their human sacrifices, their divination from human victims, and their favourite doctrine of the metempsychosis were unknown [19]. The fact appears to be certain that there never was a Druid in Scotland; otherwise Tacitus, who describes the destruction of their order in England, must have remarked their influence, or existence under Galgacus, in the Caledonian war. The man who can thus create an historical fact, requires nothing but genius to fabricate an epic poem. But when manuscripts are

fellow. In spite of all that has been said, or ever may be advanced, in favour of the authenticity of Ossian's Poems, the concealing his originals will always be looked on as a convincing proof that he has forged them himself. It is demonstrable that he has used great juggling about what he calls the two epic poems of Fingal and Temora, and he will probably never shew the original poems."

[18] Smith's Gaelic Antiquities, 68.

[19] Cæsar, l. 6. c. 13. The name is nothing. Druid, in the Celtick, signifies merely a wise man or wizard. But we discover no trace in Ireland, on the arrival of St. Patrick, of the doctrines or human sacrifices of the Druids, whose groves were *sævis superstitionibus sacri*; and who, intermixing a Phœnician superstition with barbarous rites, *cruore captivo adolere aras, et hominum fibris consulere deos fas habebant.* Tacit. Ann. l. 14. c. 30. Strabo, l. 4. p. 198. An established and well disciplined priesthood like the Druids, would have resisted, and might have prevented the introduction of Christianity into Ireland. But the most learned and rational of the Irish antiquaries, Ledwich and Campbell, are still tenacious of the Druids, and of the Tuath de Danan; undoubtedly a colony of Damnii from Britain.

appealed to, let a single book of Fingal in manuscript, such as translated by Macpherson, of an older date than the present century, be produced and lodged in a public library, and there is an end of the dispute. Macpherson of Strathmashie, a poet who assisted in transcribing the poems from old manuscripts, or oral tradition, or whose poetry, I presume, is, in other words, intermixed with his kinsman's, affirms that one of the old manuscripts which he read or transcribed, was dated in 1410; and the credulous Kaims, in his Sketches of Man, was persuaded to assert that the four first books of Fingal were contained in a Gaelic manuscript, written on vellum in 1403, which the translator found in the Isle of Sky [20]. In Trinity College, Dublin, in the Bodleian library at Oxford, and perhaps in the highlands, there are Irish manuscripts of the ballads published by Hill, by Miss Brooks, and by the bishop of Meath. The *Red book* of Clanronald's bard, to which such frequent and confident appeals were made, was recovered from Macpherson, and contains the genealogy of the Macdonals, and their exploits under Montrose, Colkitto and others, down to 1686, when it was probably written; with some short songs of the present century by Macvuirick the bard, but not a single syllable of Ossian's poems [21]. But the

Manuscripts.

[20] Appendix to Blair's Dissertation on Ossian. Kaims's Sketches, i. 426. The copy of Winton's Chronicle in the Royal Library, the oldest Scotch manuscript extant, is not older than 1421, nor later perhaps than 1420. D. Macpherson's edit. p. 81.

[21] The Red Book of Clanronald, (*Leabhar Dearg,*) is now in my hands. It is a small mutilated duodecimo, in modern binding, of an hundred and fifty leaves, in the Irish character which the Macvuricks understood and wrote; and is dated Sept. 8, 1726, in the midst of the songs. But the only poem relative to Ossian, in the whole collection, is a short ballad in the Scriptural style, on the longevity of the Fions; of whom Gaul lived three hundred and odd years, Ossian four hundred, and Fingal himself fifty-two tens of years, that is twenty-six score, or five hundred and twenty

four first books of Macpherson's Fingal in Earse, written at the beginning of the fifteenth century, in the short interval between Fordun's and Winton's Chronicles, twenty years before the oldest manuscript extant in the Scottish language, is a literary curiosity or forgery which the world has not yet seen.

years. What is more to the purpose, this is the only MS. specified in Blair's Appendix, as communicated to Macpherson. "Mr. Angus Macneil writes—that Neil Macmurrick, whose predecessors had for many generations been bards to the family of Clanronald, declared in his presence—that he himself gave to Mr. Macpherson *a manuscript containing some of the poems which are now translated and published.*" Luckily Macpherson had given an obligation to restore the book; and was actually threatened with a prosecution by the Clanronald family, before it was restored. The only other MS. ever specified or appealed to for the originals of Ossian, has been thus described. "If Dr. Johnson will but call some morning on John Mackenzie, esq. of the Temple, he will find more volumes in the Gaelic language and character, than perhaps he will be pleased to look at after what he has said. Among these are two volumes which are very remarkable: the one is a large folio MS. called *An Duanaireadh Ruadh*, or the *Red Rhymer*, which was given by Mr. Macdonald of Glenealladel in *Muideart*, to Mr. Macdonald of Kyles in *Cnoideart*, who gave it to Mr. Macpherson. It contains a variety of subjects, such as some of *Ossian's Poems*, Highland Tales, &c. The other is called *An Leabhar Dearg*, or the *Red Book*, which was given to Mr. Macpherson by the bard *Mazourich*. This was reckoned one of the most valuable MS. in the bard's possession." Macknichol's Remarks on Johnson's Journey to the Hebrides, p. 308.

Having ascertained the contents of the Red Book of Clanronald, to the satisfaction of the public, I applied to Mr. John Mackenzie for the production of the Red Rhymer, to which Johnson was referred by Macnichol with such peculiar effrontery, or rather perhaps by Macpherson himself. Mr. Mackenzie is the gentleman to whom Macpherson bequeathed his MSS. and the publication of his Earse version of Ossian; and I required him, "as he valued, or wished to vindicate the memory of his deceased friend, to produce and lodge the Red Rhymer in some public library, or what would be equally satisfactory, to transmit the book to the Highland Society of Scotland, for public inspection, or in short to produce a single MS. of a single poem of Ossian's, such as the conclusion of my Dissertation required."

In consequence of this requisition, nineteen manuscript volumes, in

IV. 1. The contradiction is not greater, between the primeval refinement ascribed to the Highlanders and their recent barbarism, than between their real manners at the period of Fingal and those described in the poems of Ossian. When invaded by Severus, the Caledonians, and Mæatæ between the walls, are minutely described both by Manners.

quarto and octavo, were transmitted to Edinburgh; but the Red Rhymer in folio, the only remaining MS. ever specified or appealed to for the originals of Ossian, was not produced. The MSS. consisted of medical and religious treatises, Irish legends and legendary histories, an obituary, a vocabulary, genealogies, &c. with many of the Irish ballads ascribed to Ossian; but not a single original, as far as could be discovered, of Macpherson's pretended translation of Ossian. Upon this subject I can give the reader the more satisfactory proofs. 1. According to Mr. Mackenzie's explanation, "these Gaelic MSS. were placed in his hands, as secretary to the Highland Society of London, for the purpose of removing the doubts, which were raised several years ago by Dr. Johnson, whether any ancient manuscripts in that language really existed;" and some of them in all probability were the same MSS. which Macpherson had formerly left in Becket's shop. They were examined by Shaw, at Dr. Johnson's request as we may well presume; but Mr. Mackenzie did not venture, then or afterwards, during the controversy between Shaw and Clarke, to point out a single original of Macpherson's Ossian. 2. On examining them myself, I was highly gratified to find the identical MSS. of which Mr. Astle has published specimens (Origin of Writing); and though I differ with reluctance from that distinguished antiquary, my doubts concerning the specimen of Cathal Macmuirnuigh's poems were confirmed by the MS. Instead of belonging to the fifteenth century, it is certainly not much older than the Red Book of Clanronald's bard, which is written in nearly the same character; is frequently inscribed with the same name, Cathal, (or Catholus) Macmuirneach ccy. (cecinit) and has acquired the same marks of antiquity from the damp and smoke of Macvurich's cottage. But whether these MSS. were communicated to Mr. Astle, by Macpherson himself, or by his friend Mr. Mackenzie, the conclusion is certain, that if they had contained a single poem of Macpherson's Ossian, that poem would have been pointed out, in preference to Macvurich's, as the most proper to be engraved and published, as a specimen both of Earse poetry, and of Earse manuscripts. 3. In answer to the pointed requisition which I had made, Mr. Mackenzie produced nineteen volumes of MSS. not to ascertain the authenticity of Ossian, but professedly "placed in his hands to remove

Dio and Herodian. The former observes that they possess dry and rugged hills, or desert and marshy plains. Destitute of walls, of towns, and of agriculture, they subsist by pasturage, hunting, or fruits, (for they abominate fish though abundant,) and reside in booths, naked, and without shoes, using their women, and supporting their children, in common. Their government is mostly democratical. They delight in robbery, and fight from cars with small and swift horses; but their infantry is equally firm in action and rapid in pursuit or flight. Their arms are a shield, a dagger, and a short dart, with a brazen apple towards the point, to astonish the enemy with the sound when brandished. They are inured to hunger, cold, and fatigue; immersed in their morasses, with their heads only above water, they can endure hunger for many days, or subsist on roots and bark in the woods. "Towards "the sea," says Herodian, "most parts of Britain are "full of marshes, through which the barbarians are ac- "customed to swim or wade, disregarding the mud, as "they are almost naked; for they are unused to cloaths, "encircling their loins and neck with ornaments of iron, "a mark of wealth which they prize like gold. Their

the doubts raised by Dr. Johnson, whether any ancient Gaelic MSS. really existed." The question was not whether any Earse or Irish MSS. could be found in the Highlands; but whether a single book of Fingal, or a single poem of Ossian's, such as translated by Macpherson, of a decent length, could be produced in manuscript, and the manuscript indisputably of an older date than the eighteenth century; the condition upon which I had publicly engaged to renounce my objections, and to become a sincere convert to the authenticity of the poems. But Mr. Mackenzie purposely evaded the requisition. In the literary treasures of the Highland Society, collected with such care for the refutation of Johnson, he was unable to point out, either to Mr. Shaw, or to Mr. Astle, or to myself, a single MS. that contained the original of a single poem in Macpherson's Ossian.

"bodies are stained with figures of animals. They are "warlike and blood-thirsty; and are armed only with a "narrow shield and a lance, with a sword depending from "their naked bodies; but without helmet or mail, which "they deem an impediment in crossing their marshes, whose "vapours constantly obscure the sky." Such were our savage Caledonian ancestors; and though the present highlanders had not then arrived, their Irish progenitors were still more barbarous. *Gens inhospita et bellicosa*, says Solinus. *Sanguine interemptorum hausto, prius victores vultus suos oblinunt. Fas ac nefas eodem animo ducunt.* St. Jerome, an eye witness, asserts that, in the third century, the Attacotti were addicted to human flesh. Although we should reject the fact with the community of women among the Caledonians, a people obnoxious to such imputations must have been truly barbarous, and we are assured by Gildas, that the Picts, and their allies the Scots, were still savages at the departure of the Romans. *Emergunt certatim de carucis, tetri Scotorum Pictorumque greges, moribus ex parte dissidentes, et una eademque sanguinis fundendi aviditate concordes; furciferosque magis vultus pilis, quam corporum pudenda, pudendisque proxima, vestibus tegentes* [22].

2. When we return to the poems of Ossian, I should insult the reader's understanding were I to expatiate upon the gross contradictions between the generous heroes, the chaste or lovesick maids, clad in complete steel; feasting from sparkling shells, in the halls of mossy towers, traversing the northern ocean in large ships, yet subsisting solely on venison; and those naked, sanguinary barbarians, armed with a small shield, a dart, a dagger; almost destitute of iron, which they prized like gold; residing pro- Compared with Ossian's.

[22] Dio Cassius, l. 21. p. 339. Herodian, l. 3. c. 47. Solinus, ch. 30. Gildas, ch. 15.

miscuously in wattled booths, and possessed of no navigation but currachs, which crossed the Irish channel, says Solinus, during a few days only at the summer solstice. If the poems, though not quite so ancient, are said to be still authentic, my answer is this: As the hunting, pastoral, and agricultural stages of society, the virtue, and supreme felicity of the savage state, are the peculiar doctrines of modern times, the poems must either belong to the present age, or to the age which they describe; and if it be once admitted that the poems are ascribed to Ossian by a posterior bard, the conclusion is inevitable; that there was no age so likely as the present, and no man so capable as Macpherson to produce the imposture. The Caledonians and Irish, if destitute of agriculture[23], were already far advanced in the pastoral state: their horses and cattle were domesticated: their cars are infallible marks of a pastoral nation, recently migratory; in the Hebudes they subsisted on milk and fish; but the poems of Ossian are descriptive of the manners and customs of every age but those of his own. The allusions to herds and harvests, which occurred in the first Fragments, were easily suppressed; but the translator knew not what to avoid, nor what customs to ascribe to the age. No religious adorations, sacrifices, or rites; nothing peculiar to the age is described; but the savage state is gratuitously invested with more than the generous gallantry of chivalry, the morals of christianity, or the sentimental affectation of the present times.

Religion omitted.

3. But religion was avoided, as a dangerous topic that led to detection. The gods and rites of the Caledonians were unknown; and for this omission, the translator in-

[23] The Earse etymology of *Cruithnich*, wheat-eaters, the name of the Picts (from Cruthen the first Pictish king) is an admirable proof that wheat was the bread-corn of Scotland before the birth of Christ.

forms us, from the most authentic tradition, that the Druids were extirpated by Trenmor, the grandfather of Fingal. Not satisfied with such authentic tradition, the other Macpherson assures us, with the same plausibility, that as religion was appropriated to the Druids, and epic and heroic poetry to the bards, Ossian durst not encroach upon the province of those whom his ancestor had expelled [24]. In rude societies religion is interwoven, and so intimately blended with the fine arts which it supports, that unless supported in return by poetry, painting, sculpture, music or eloquence, it must cease to exist. From the danger, however, or the difficulty of inventing a religious mythology, the author has created a savage society of refined atheists, who believe in ghosts but not in deities, and are ignorant, or indifferent to the existence, of superior powers. In adopting Rousseau's visions concerning the perfection of the savage state, so popular then, Macpherson, solicitous only for proper machinery, has rendered the highlanders a race of unheard-of infidels, who believed in no gods but the ghosts of their fathers.

4. The same difficulty occurred in the adaptation of circumstances, peculiar customs, or rites, to the age. A nation was never yet destitute of some name for its favourite liquor; but mead is still unknown in the highlands: without agriculture there was neither whiskey nor ale; and the beverage of the Celts was left to obscure conjectures on the strength of shells; Roman wine, as Macpherson insinuates: a conjecture, says the credulous Whitaker, utterly incredible. In the first fragments of Fingal, the tree of the rustling leaf [25] was the trembling poplar, *eran na crith* or *critheian*; Customs.

[24] Ossian, ii. 218. Dr. Macpherson's Critical Dissertation, 207.

[25] From Thomson's Spring, l. 155.

"When not a breath
Or *rustling* turn the many twinkling *leaves*
Of *aspin* tall."

a literal translation of the Saxon aspin; but the translator discovered that the poplar (*populus*) was introduced by the Romans, and suppressed the name. The yew tree, (*iubhar*,) from the Saxon and German derivation of the name, and from the care to plant and preserve it in church-yards, was certainly not indigenous; yet it occurs repeatedly as a forest tree. In the history of Ireland, the silence with respect to the existence or destruction of the moose deer, whose large horns are found in its bogs, is a sufficient refutation of its Milesian antiquity, and pretensions to letters before the christian era; and in the poetical annals of a tribe of hunters, the omission of the wild cattle, the wolves and boars of the Caledonian forest, reflects the same discredit on the authenticity of Ossian[26]. The method of dressing venison in pits lined with hot stones and covered with heath, the only appropriate custom of the age, is transcribed from Keating's account of the Fions, the militia of Ireland, who lived at free quarters in winter, and as they subsisted by hunting and fishing in summer, a minute description is given of the mode of preparing their game[27]. In Homer, we attend the heroes at their altars, and repasts which they prepare themselves. We attend Penelope to the loom, and enter so completely into the whole oeconomy of their military and domestic life, that it requires some criticism to discover that Homer lived at a more improved period than the age he describes. As Virgil flourished at

[26] The destruction of the moose deer in Ireland is ascribed by some to a murrain; such as is incident to the elks in Lapland. Wright's Louthiana, part iii. p. 20. Ledwich's Antiq. 127. Wolves were common in the highlands till the last century. The boar occurs in the Lives of Columba. The British and Caledonian bears are mentioned by Plutarch, Martial, and Claudian; and the wild cattle are still preserved in parks. But Macpherson appropriates the wild boar to Scandinavia, and tame cattle to Ireland, i. 258, Keating's Hist. of Ireland, 269.

a later period, the remote characters and scenes are less distinctly pourtrayed. From the genuine Ossian, a contemporary distinguished among the heroes whom he celebrates, we should obtain, if not an accurate delineation of their characters, some insight at least into the domestic manners, arts, and occupations of the early Caledonians; some account of their dress, diversions, houses, beverage, and religious rites. But from Ossian's reputed father, nothing more was to be expected, in the eighteenth century, than from his model Fenelon's description of the Greeks. The customs of every subsequent age were unavoidably appropriated to the earliest, of which he was ignorant. In the Orkneys, and in the Western Isles, he discovered the Norwegian temples or circles of Thor and Woden, but forgot the worship and human sacrifices to which they were appropriated. From an Irish ballad of the sixteenth century, he transcribes the offer of an hundred hawks, an hundred handmaids, an hundred sanctified girdles, an apple, or an arrow of gold, as tribute from hunters equally ignorant of hawking, female servitude, popish saints, and of the precious metals[28]. But the ideal manners of romance, the insipid outlines of perfect, sentimental heroes, prevail throughout. The very shields resound, when struck, like an Indian gong; an absurd imitation of the brazen basin or targe, suspended, to be struck by the challenger, at the bridge or portals of the castles of Romance.

V. 1. The origin of the poems may be distinctly traced. On awaking from a long lethargy that succeeded the union, the Scots, with their national ardour, sprung forward towards industry and commerce, and began to vie with the English in every literary pursuit. In philosophy and his- Origin of the poems.

[28] Ossian, i. 398. Transactions of the Royal Irish Academy, i. 88. Martin's Western Isles, p. 9.

tory Hume and Robertson had acquired an unrivalled excellence. The laurels of Thomson were recent. Home, whose Douglas was rather overvalued by his countrymen, had produced a promising specimen of tragedy, from which much was expected; and under a Scottish minister, the patron of genius, nothing was wanting but an epic poet to emulate Milton. We know that Homer and Milton were blind, but a third blind bard, like them the author of two epic poems, must be ascribed to imitation, not to accident. Macpherson, in one of his prefaces, informs us himself, "that he has served his apprenticeship in secret to the "muses;" when encouraged by Wilkie's Epigoniad, he undertook to give an epic poet to Scotland. The fact is, that Macpherson was the author of three epic, or heroic, poems. The first was the Highlander, in six Cantos, published at Edinburgh in 1758, four years before the appearance of Fingal[29]. The discovery of an additional epic poem by the father of Ossian, is itself the strongest proof that the author, not succeeding in poetry professedly modern, ascribed his subsequent productions to a remote antiquity, in order to ensure a more favourable reception, and to attract the public attention to their merit. But the argument becomes invincible, if it shall appear, that the same plot and inflated phraseology, the same imagery and incidents are repeated and preserved in the poems of Ossian.

Macpherson's first epic.

2. When the Highlander is examined, its plot exhibits the very outlines of Fingal. Swein, king of Norway, in-

The Highlander,

[29] I have since discovered two earlier poems of Macpherson's, in his own hand writing; the one a descriptive poem in blank verse, entitled Death; the other an epic, or heroic poem, in ten cantos; both written at the age of seventeen. Between four and five thousand of Macpherson's verses, composed during his secret apprenticeship to the muses, are now in my possession; some of them exquisitely descriptive; and all of them distinguished by the same turgid imagery with Ossian. Macpherson was an heroic poet from the very beginning.

vading Scotland with a large fleet and a numerous army, is opposed by Indulph, its seventy-fifth king. Alpin, a young chieftain from Lochaber, joins the Scottish army; explores the Norwegian camp by night; engages in single combat, and exchanges shields with Haco; and the battle is decided next day by his prowess and address; the Norwegian fleet is burnt, and the invading army destroyed. Haco, overpowered with his band, on retreating to a wood, is generously permitted to depart by Alpin, whom Indulph discovers to be his nephew, the son of Malcolm I. preserved in his infancy from the murderers of his father; and on his marriage with Culena, the king's daughter, *Duffus*, by the accidental death of his uncle, succeeds to the throne. It is obvious that Swein is converted into Swaran in Fingal; with this difference only in the plot, that the scene of invasion is transferred from Scotland to Ireland, and the time from the tenth to the third century.

3. That the Highlander is inferior to Fingal affords no presumption whatsoever that the latter is authentic. The author was then twenty-one; his native language was Earse; his taste was not yet formed; he had not attended Dr. Blair's lectures, nor acquired the graces of style, or a sufficient command of the English language. But the poem discovers much of the same imagery and incidents with Fingal; green meteors, clouds and mountains, maids in armour, ghosts and storms. The same ambitious phraseology, straining after the sublime, which is so apt to degenerate into bombast in Ossian, becomes quite ludicrous in the Highlander, from the untutored taste of the author. Such expressions as these, which repeatedly recur: "He "fixed his rainy eyes on ground; Fierce Denmark belches "numbers on our land; The gleaming journey of the "sword, Talks on its way; Steel speaks on steel; And cuts "its brazen journey through the aim; Across the silver transcribed in Fingal.

" errors of the Tay; Groans, Speak on the pinions of the " southern gale; The kindling virgin flames along the " tale: And send the palace flaming to the skies;" how ridiculous soever, are derived from the same source with Ossian's style; a close imitation of Gray's alliteration and of Mason's bombast. But the following passages, to be recognized as Ossian's, require only to be translated into heroic prose.

" Norwegian firs, oft brought them o'er the waves
" For Albion's crown, but Albion gave them graves."

" Tell Swaran; tell that heart of pride, Cuthullin never " yields. I give him the dark rolling sea. I *give* his people " *graves* in Erin." Ossian, i. 250.

" Thus on a night when rattling tempests war,
" Thro' broken clouds appears a blazing star;
" Now veils its head, now rushes on the sight,
" And shoots a livid horror thro' the night."

" The winds come down on the woods; the torrents " rush from the rocks; rain gathers round the head of " Cromla; the red stars tremble between the flying clouds." Ossian, i. 255.

" Athwart the gloom the streaming meteor sails—
" Kindles a livid circle as it flies."

" The clouds divided fly over the sky, and shew the " burning stars. The meteor, token of death, flies spark- " ling through the gloom; it rests on the hill." Id. 134. Edit. 1773.

" The Scots a stream, would sweep the Danes away,
" The Danes a rock, repel the Scots array"—
" The ranks of Sweno stand in firm array,
" As hoary rocks repel the raging sea."

" As roll a thousand waves to a rock, so Swaran's host " came on. As meets a rock a thousand waves, so Erin " met Swaran of spears."—" Fróthal came forth with the " stream of his people. But they met a rock. Fingal " stood unmoved. Broken they rolled back from his side." Id. 65. 235.

" On either side they stretched the manly line,
" With darting gleam the steel clad ridges shine:
" On either side the gloomy lines incede,
" Foot rose with foot, and head advanced with head—
" Thus when *two winds* descend upon the main,
" To fight their battles on the watry plain;
" In two black lines the equal waters crowd,
" On either side the white-top'd ridges nod,
" At length they break and raise a bubbling sound,
" While echo rumbles from the rocks around."

" Behold the battle of the chiefs! It is the storm of " ocean when *two spirits* meet far distant, and contend for " the rolling of the waves. The hunter[30] hears the noise " from his hill; he sees the high billows advancing to " Ardven's shore." Ossian, i. 302. " The kings were " like *two spirits* of heaven, standing each on his gloomy " cloud; when they pour abroad the winds, and lift the " roaring seas. The blue tumbling of waves is before them, " marked with the paths of whales." ii. 63. " As meet " *two troubled seas* with the rolling of all their waves, when " they feel the wings of contendings winds, on the rock " sided frith of Lumon; along the echoing hills is the dim " course of ghosts; from the blast fall the torn groves on

[30] From Homer's Shepherd, to be quoted in the sequel.

" the deep, amidst the foamy path of whales. So mixed " the hosts[31]." Id. 167.

" Prone on the strand, extended every way,
" Clad o'er with steel, a shining trunk he lay;

[31] To gratify the reader, the following passages are selected, in which the phraseology and imagery of Ossian are equally discernible.

" Thro' their tall spears the singing tempest raves,
And falling headlong on the spumy waves,
Pursues the *ridgy* sea with awful roar,
And throws the liquid *mountains* on the shore;
In each short pause, before the billow breaks,
The clanking Caledonian armour speaks."

" Thus on some night when sable tempests roar,
The watchman wearying of his lonely hour,
Hears some rent branch to squeek 'twixt every blast,
But in each ruder gust the creak is lost."

" The sprightly morn with early blushes spread,
Rears o'er the eastern hill her rosy head,
The storm subsides, the breezes as they pass,
Sigh on their way along the pearly grass."

" In humid rest her bending eyelids close;
With slow returns her bosom fell and rose;
At length returning life her bosom warms,
Glows in her cheek, and lights up all her charms;
Thus when invading clouds the moon assail,
The landscape fails, and fades the shining vale;
But soon as Cynthia rushes on the sight,
Reviving fields are silvered o'er with light."

" Thus on expanded plains of heavenly blue,
Thick gathered clouds the queen of night pursue;
And as they crowd behind their sable lines,
The virgin light with double lustre shines."

" Two *oaks* from earth, by headlong tempests torn,
Supply the fire, and in the circle burn."

" Thus on his lofty seat should winds invade,
" The statue keeps the memory of the dead;
" It quakes at every blast, and nods around,
" Then falls a shapeless ruin on the ground."

" Thus on the heathy wild, the hunted deer
Start at each blast, together crowd with fear,
Tremble and look about, before, behind,
Then stretch along, and leave the mountain wind."

" At the approaching noise, the starting deer
Crowd on the heath, and *stretch away* in fear—
Each from the herd selects a flying hart."

" Now in the blushing east the morn arose,
Its lofty head, *in grey*, the palace shews."

" On the blue heavens arose a night of clouds,
The radiant lord of day his glory shrouds,
The rushing whirlwind speaks with growling breath,
Roars through the hill, and scours along the heath, &c."

" The mid-day sun pours down his sultry flame,
And the wet heath waves, glistering in the beam,
Tall ships advance afar; their canvas sails
In their *swoln bosoms* gather all the gales."

" Thus spungy clouds on heaven's blue vault arise,
And float before the wind, along the skies;
Their wings opposed to the illustrious sun,
Shine as they move majestically on."

" Your sires oft brought the *Roman eagle* down,
When Romans thundered on our Albion's shore."

" While thus the king and noble chiefs rejoice,
Harmonious bards exalt the tuneful voice;
A select band, by Indulph's bounty fed,
To keep in song the memory of the dead,
They handed down the ancient rounds of time,
In *oral story*, or *recorded rhyme*:
Thus in the stream, the bards imperious roll,
And quaff the generous *spirit of the bowl*."

" Like a young oak falls Turlathon with all his branches " round him," ii. 63. " Cairbar lay like a shattered rock, " which Comla shakes from its shaggy sides, when the green " vallied Erin shakes its mountains from sea to sea." Id. 15. " As the stone of Loda falls, shook at once from rocking " Drumanard, when spirits heave the earth in their wrath, " so fell blue shielded Rothmar." Id. 104.

" But still fierce Denmark made a broken stand;
" Here stands a squadron, there a gloomy band,
" Rears a firm column on the rocky shore,
" Makes the last effort of a dying power;
" Thus after fire thro' lanes its way has took,
" A prostrate village lies o'erwhemed in smoke,
" But here and there, some sable turrets stand,
" And look a dismal ruin o'er the land."

" Behold how Lochlin divides on Lena! They stand " like broken clouds on a hill, or an half consumed grove " of oaks; when we see the sky through its branches, and " the meteor passing behind." i. 294.

" Behind the dead the mournful bards appear,
And mingle with their elegies the tear,
A mournful train of tear distilling maids."

" The ponderous spear supports his dusky way,
The waving steel reflects the stellar ray.—
Thus when strong winds the aged tower invade
And throw the shapeless ruin from its head."

The reader conversant in Ossian will easily recognize these passages. Macpherson was unequal to rhyme, and in the measured prose suggested by Louth's Prælections, (De Sacra Poesi Hebræorum, p. 30.) was relieved even from the constraint of verse. His heroes in the Highlander are Dumbar, Graham, Somerled, Scottish chieftains! whom, as his first Essay was neglected by their descendants, he abandoned afterwards for the Celts.

" Awful the chief advanced, his armour bright
" Reflects the fires, and gleams along the night;
" Hovering he stood, above the sleeping band,
" And shone an awful column o'er the strand;
" Thus often to the midnight traveller
" The stalking figures of the dead appear;
" Silent the Spectre towers before the sight,
" And shines an awful image through the night;
" At length the giant phantom hovers o'er
" Some grave unhallowed, stained with human gore—
" Before my eyes a ghastly phantom stood,
" A mangled man, his bosom stained with blood;
" Silent and sad the phantom stood confest,
" And shewed the streaming flood-gates of his breast."

These, and other images, transcribed and improved in Ossian, are marked with a strong poetical, but uncultivated genius, such as Macpherson always possessed; for with much imagination, an occasional sublimity, and sometimes an exquisite pathos, he never acquired a correct or refined taste. The same incidents are also repeated. The nocturnal combat, and the exchange of friendship with Haco, recur in Swaran's rencounter with Fingal in the Cathloda, and in Ossian's interview with Cathmor in Temora. A soldier returning wounded from the field, expires in the Highlander before his tale is told; and Calmar returns mortally wounded in Fingal, to warn Cuthullin of Lochlin's approach. Alpin and Oscar solicit an enterprise, in the same terms, as unknown to fame: " Oscar is like the mist of " Cona: I appear and I vanish away." i. 196.

" But I gleam once, then sink and am no more."

The flame of the oak, the bosses of the shields, the second sight, and even the pursuit of the deer on the heath,

occur in the Highlander. White bosomed sails and maids, the Roman eagle, ("spreads he the wings of his pride;" Ossian,) and the bards themselves are introduced, "to quaff "the generous spirit of the bowl," "the strength of the "shells," and to preserve the memory of the dead, in oral story or recorded rhyme. And the fair Aurelia, like Sulmalla and the eternal ladies in mail, attending on Haco in the disguise of a young warrior;

"Wields in her snowy hand the aspin spear;
"The silver mail hung round her snowy waist;
"The corslet rises on her heaving breast."

Fragments. 4. As the Highlander fell still born from the press, the author transferred his pen, from poetry professedly original, to the more profitable task of translation from the Earse. The Fragments of ancient Gaelic Poetry, written at Moffat, were first circulated in manuscript, and published at Edinburgh in 1760, two years after the Highlander *disappeared*, when the author's taste and style were considerably improved. The public were prepared for Earse poetry, by a fantastical tale of Jerom Stone's, in the Scots magazine; but the Fragments coincided happily with the sentimental vein, which Young's Night Thoughts, Gray's inimitable Elegy, Shenstone's Pastorals, and Sterne had introduced. Men of more taste than classical, or historical knowledge, believed them authentic; the novelty of measured prose pleased, and persuaded the public that the *translator* had no ambition to become a poet. The Fragments contained the opening, and some episodes of Fingal, with an intimation that the whole might be recovered if encouragement were given; and from the prospect of obtaining a national Epopee, a considerable subscription was raised, and the author was dispatched to the highlands in quest of epic poems. His situation at that time was ob-

scure and indigent. Originally a schoolmaster in Badenoch, afterwards a domestic tutor, he was then a student of divinity, employed by Balfour the bookseller as corre tor of the press; but the subscription imposed an obli to persist in the original deceit. The similar impost success of Hardiknute, which had furnished the fable his Highlander, might encourage him to proce d. But I believe that Fingal was already sketched out, fr m the Irish Fingal. ballads and traditions of his battles with Magnus and others, which promised to supply Macphers on with heroes, incidents, and a few occasional episodes. The Temora had not then occurred, as appears from a ridiculous Fragment on the death of Oscar[32]. Two y ears after his expe-

[32] Dermid and Oscar fight a duel for Dargo's da ughter. Oscar, grieved at his friend Dermid's death, persuades his mistress to shoot an arrow at the shield of Gormur, behind which he conceals h mself so dexterously as to receive a mortal wound; and his mistress "pie ces her white bosom with steel." No Greek poet durst have deviated fro n the death which Homer assigns to Achilles, Patroclus, or Hector. But Macpherson informs us in a Note to the first book of Temora, published with Fingal, that a *more correct copy* of the Fragment coming into his hand, enabled him to rectify the mistake. In this new edition of the Fragmen t, Oscar is converted into the son of Caruth, who bore the same charac er and name with Ossian's son. Fingal, 1st edit. p. 190. Thus all is fal sehood together. In the next Fragment, Gaul, the son of Morni, is an e nemy who encounters Fingal; and after a wrestling match, wherein "thei r bones crack like the boat of ocean, when she leaps from wave to wave and the earth is ploughed with their heels; the aged overcame, and the tall son of Morni is bound." Frag. 39. The wrestling match is transfe red to Fingal, with which it was impossible to incorporate the Fragment as an episode. The sixth, converted in Fingal into the maid of Craca, is the only Fragment for which there is the least authority: but how diff erent from the original! the maid's tragedy, or the combat of Oscar and Illan, the king of Spain's son, who slew one third of the Fions in Ireland. Trans. Royal Irish Academy, i. 76. Though his taste was improved in the Fragments, Macpherson still retained the extravagance of the Highlander. In the last mentioned Fragment; "there was the clashing of swords, t here the *voice of steel*. They struck and they thrust; they digged for de ath with their swords; but

dition to the highlands, the poems of Ossian were prepared for the press. A large subscription was raised, under the patronage of lord Bute, and the epic poem of Fingal was published at London, in 1762, with the lesser poems and the first book of the Temora, suggested by the fabulous palace of Teamor in Keating, and the Irish ballad containing the real history of Oscar's death. The Temora was afterwards *translated* or extended to eight books, at lord Bute's desire, and published with additional poems, without a second expedition to the highlands; but Moilena, in king's county, and the palace of Temora, at Tara in Meath, were transferred to Ulster, by another fatal mistake, which, like Carrick-Thura and Balclutha, destroys the authenticity of the whole poem [33].

Temora.

Imitations

VI. 1. Another copious and curious source of detection is the constant imitation of the classicks, scriptures, and such temporary publications as were then in vogue. To

death was distant far and
the cowherd thought of ho
Ullin." The ninth Fragm
Home with a tragedy, the
But the strongest mark of hi
ing passage, of a warrior runn
in the last Fragment, when
rushed on like a storm; on hi
strides up the hill; the rocks fly
bound to the plain." Frag. p. 70

delayed to come. The sun began to decline, and
me; then Oscar's keen steel found the heart of
ient of Ronan and Rivine supplied his friend
Fatal Daughter, or Marriage, I forget its name.
s improved taste is the omission of the follow-
ing up hill, (the most bombast I ever read,)
nserted as an episode in Fingal. "Lamderg
's spear he leapt over rivers; few were his
back from his heels, loud crashing they

[33] Archdale's Monasticon Hi
135. 217. O'Flaherty's Ogygi
tion of Temora to lord Bute.
for Emania, the fabulous pala
motto prefixed to the Temor
the poems were his own.

bern. 389. O'Conor's Diss. 174. Keating,
a, 354. Collect. Hibern. iii. 512. Dedica-
Macpherson mistook Temora in Leinster,
ce of the kings of Ulster; but the ambiguous
a, was meant to indicate, not obscurely, that

"Vultis et his mecu
Urbem quam statu

m pariter considere regnis?
o vestra est." ÆNEID I. 577.

Not a Tyrian but a Trojan c
y; not an Earse, but an English original.

obviate the imitations of scripture, the venerable Dr. Blair would persuade the public, that oriental poetry might, with the same propriety, be termed occidental, as it is characteristical rather of an age than of a country, and in some measure belongs to all nations in a rude and early state. Perhaps it is sufficient to observe, that though the modern poets, whose inspiration is drawn from the same source, must resemble, and may appear to imitate each other, yet no such similarity subsists between Solomon and Theocritus, the Psalmist and Pindar, Isaiah and Homer; much less between them and the northern Scalds. Between the earlier classicks and the scriptures there is no resemblance, much less an apparent imitation: but the author, desirous to appropriate Ossian to a remote antiquity, would imitate both. Instead of a few paragraphs, the subject would require a separate dissertation; but the less obvious imitations to which the reader may refer, are ostentatiously marked in the first edition as parallel passages, in which Ossian has happily equalled or excelled the originals [34].

2. Cathloda, the first poem in the present arrangement, was published among the last, as a studious imitation of Scandinavian manners. Starno and Swaran invoke the hawks of heaven to feast on their enemies; a new image, unknown amidst Swaran's exploits in Fingal, till suggested by Regner Lodbrok's death-song, quoted and imparted by Dr. Blair to the author. But it appears from the following descriptions in Fingal, in the preface, and in the Cathloda, that Ossian was equally versed in Milton and in Tibullus, of the classicks.

[34] The parallel passages quoted with such exultation on any minute improvement of imagery, or refinement in diction, can be explained only by the well known story of Jervas the painter. Having succeeded happily in copying, he thought in surpassing, a picture of Titian, he looked first at the one, then at the other, and then, with parental complacency, cried Poor Nikle Tit! how he would stare! Orford's Anecd. of Painting.

to which Grainger's recent translation had attracted the Celtic bard. "She came in all her beauty, like the moon "from the cloud of the East. Loveliness was around her "as light. Her steps were the music of songs." i. 260. "Awe moved around her stately steps; like two stars were "her radiant eyes; like two stars that rise on the deep, "when dark tumult embroils the night."—"If on the "heath she moved, her breast was whiter than the down "of Cana; if on the sea-beat shore, than the foam of the "rolling ocean. Her eyes were two stars of light; her "face was heaven's bow in showers; her dark hair flowed "round it like streaming clouds. Thou wert the dweller "of souls, white-handed Strinadona." i. 24.

"Grace was in all her steps, heaven in her eye,
"In every gesture dignity and love."

"Illius ex oculis, quum vult exurere Divos,
"Accendit geminas lampadas acer amor.
"Illam quidquid agit, quoquo vestigia movet,
"Componit furtim subsequiturque decor.
"Seu solvit crines, fusis decet esse capillis:
"Seu compsit, comtis est veneranda comis.
"Urit, seu Tyria voluit procedere palla,
"Urit, seu nivea candida veste venit.
"Talis in æterno felix Vertumnus Olympo,
"Mille habet ornatus, mille decenter habet."

TIB. l. 4. 2.

The four first lines of Tibullus were certainly in Milton's contemplation at the time. But his paraphrase, "grace "was in all her steps, in every gesture dignity and love," is more literally transcribed by Macpherson, in "loveliness "was around her as light, her steps were the music of "songs." The next passage, "if on the heath she moved,

"her breast was whiter than the down of Cana; if on the "sea-beat shore, than the foam of the rolling ocean," exhibits the peculiar construction of Tibullus. *Seu solvit crines fusis decet, esse capillis; seu compsit, comtis est veneranda comis; urit seu Tyria, urit seu nivea.* The remaining images are also preserved. "Her eyes were two stars of light— "like two stars were her radiant eyes;" *illius ex oculis quum vult exurere divos,* (heaven in her eye) *accendit geminas lampadas acer amor.* "Her dark hair flowed round it like "streaming clouds;" *fusis decet esse capillis;* and the imitation is concealed only by the adulteration of Tibullus and Milton, debased and reduced to poetic prose. "Strinadona, "dweller of souls," is equally unintelligible with the following bombast in the same poem: "Whence is the stream "of years; *whither do they roll; where have they hid* in mist "their *many coloured sides,*" i. 29. borrowed, however, from a sublime passage in Blair's Grave.

"Son of the morning, *whither art thou fled,*
"*Where hast thou hid* thy *many spangled head?*"

3. The Fragments, published while the author studied divinity, are more deeply tinged with his professional pursuits. That nothing might be lost they are awkwardly strung together in Carrick-Thura, or inserted as episodes in the *epic pastoral Fingal.* The scripture style is preserved in Fingal, to whom the queen of Sheba's address to Solomon is applied [35]; but Comala, and the episodes in Carrick-Thura, are little else than an ambitious imitation of the Song of Solomon; an adaptation of its images and peculiar phraseology, to the scenery and pastoral state of the high- Scriptures.

[35] Happy are thy people, O Fingal; thou art the first in their danger, the wisest in the days of their peace, &c. i. 302. Happy are thy men, and happy are these thy servants, which stand continually before thee and hear thy wisdom. 2 Chron. 9. 7.

lands. The style and images of scripture are easily discerned in the following passages. "Who fell on Carun's "sounding banks? Was he *white* as the snow of Ardven? "*blooming* as the bow of the shower? Was his hair as the "mist of the hill? soft and curling on the day of the sun? "Was he like the thunder of heaven in battle? fleet as the "roe of the desert?" i. 42. "Who is this," says Solomon, "that cometh out of the wilderness like pillars of smoke; "leaping upon the mountains like a roe, or a young hart; "terrible as an army with banners; my beloved is *white* "and *ruddy*, the chiefest among men. Thy hair is as a "flock of goats that appear from Gilead." Canticles passim. "Look from thy rock, my love, let me hear the voice of "Comala; come to the cave of my rest, the storm is past, "the sun is on our fields; come to the cave of my rest, "huntress of echoing Ardven."—"O my dove," says Solomon, "thou that art in the clefts of the rock; let me see "thy countenance, let me hear thy voice. Lo the winter "is past; the rain is over and gone; arise, my love, my fair "one, and come away!" The last imitation is suggested, as less obvious, by the translator himself. But Comala exclaims, with Gray's bard, "confusion pursue thee over "thy plains; ruin overtake thee thou king of the world." Id. 43.

> "Ruin seize thee, ruthless king,
> "Confusion on thy banners wait."

In the episode of Shilrick and Vinvela, "Dost thou "rest by the fount of the rock, or by the noise of the "mossy steam?—Didst thou but appear, O my love, a "wanderer on the heath, thy hair floating on the wind "behind thee; thy bosom heaving on the sight; thine eyes "full of tears for thy friends, whom the mist of the hills "has concealed? Thee I would comfort, my love, *and*

" *bring to thy father's house.* But is that she that appears " like a beam of light in the heath, bright as the moon in " autumn, as the sun in a summer storm? Comest thou, " O maid! over rocks, over mountains, to me?" i. 55—8. In the Canticles, " Tell me, O thou whom my soul loveth, " where thou feedest, where thou makest thy flocks to rest " at noon?—I would lead thee and *bring thee to thy mother's* " *house.*"—" Who is she that looketh forth in the morning, " fair as the moon, clear as the sun, terrible as an army " with banners?"

" Over hill, over dale, over high mountains."
Scotch song.

In the Fragment of Duchomar and Morna, inserted in Fingal: " Comest thou like *a roe* from Malmor, like *a hart* " from thy echoing hills."—" Be thou," in Solomon's Song, " like a *roe* or a young *hart* on the mountains of Bether." —" Morna, *fairest of women*, thou art snow on the heath; " thy hair is the mist of Cromla, when it curls on the hill; " *thy breasts* are *two smooth rocks* seen from Branno of " streams. Thy *arms* like *two white pillars* in the halls of " the great Fingal." i. 226, 7. In the Canticles, " Whither " is thy beloved gone, O thou *fairest among women?* thy " *breasts* are like *two young roes* that are twins; thy neck is " as a tower of ivory; thine head upon thee is as Carmel, " and the hair of thy head like purple:—his *legs* are as " *pillars of marble*, set in sockets of pure gold." These imitations require no comment: the same phraseology is adopted, and the same images are appropriated, almost without alteration, to the Celtick bard.

4. Such classical beauties as might have occurred fortuitously, in the course of a poem, to the genuine Ossian, would have been interwoven with the narrative from which In Carrick-Thura and Carthon.

they arose. But Macpherson, in his imitation of the ancients, had prepared such detached episodes, and splendid addresses to the sun in Carthon, to the moon in Darthula, the dream and death of Malvina, &c. as had no connexion with the poems to which they were afterwards attached. Ostentatious addresses or odes to the sun, the moon, and the evening star, are alone a detection of modern poetry to which they are peculiar; but in these passages, the scriptural style of his early studies is uniformly preserved. The chiefs are pillars of fire or of darkness; her heart is the house of pride; from the house of glory, joy, mourning, and the house of the proud; the dark and narrow house; from the grave, the house appointed for all living; and the same idiom is employed in Fingal's encounter with the spirit of Loda, though an obvious imitation of Diomed's combats with Venus and Mars. "A blast came from the "desert. On its wings was the spirit of Loda.—I look "upon the nations and they vanish." My nostrils pour the "blast of death; the blast is in the hollow of my hand." i. 60. "He rode upon a cherub and did fly, yea he did "fly on the wings of the wind." Psalm xviii. 10. "By "the blast of God they perish, by the breath of his nos-"trils are they consumed." Job, iv. 9. "Who hath "measured the waters in the hollow of his hand?" Isaiah, lx. 12. But in Carthon, a story taken from an Irish ballad, and from Keating's account, of Cuthullin, who kills his son Conloch in single combat [36], the imitations sometimes improve upon the original. The comparison of Clessammor to "a *steed in his strength*, who *finds* his *companions* in the "*breeze*, and *tosses* his *bright mane* in the wind," i. 79. is a literal and a wretched transcript from Pope, of the same simile in Homer and Virgil.

[36] Keating, 196. Miss Brooke's Reliques of Irish Poetry, 9.

" His head now freed, he *tosses* to the skies,
" His *mane dishevelled* o'er his shoulder flies,
" He *snuffs* the *females* on the distant plain,
" And *springs exulting* to his fields again."

" Hast thou given the *horse strength?*—He paweth in " the valley, and *rejoiceth in his strength.*"

JOB, XXXIX. 19. 21.

——" Arrectisque fremit cervicibus alte
" Luxurians, luduntque jubæ per colla per armos."

VIRGIL.

But the description of Moina's ghost, suggested professedly by Virgil's Dido, is unexpectedly improved.

——" Agnovitque per umbram,
" Obscuram, qualem primo qui surgere mense,
" Aut videt, aut vidisse putat, per nubila lunam."

" She was like the new moon seen through the gathered " mist, when the sky pours down its flaky snow, and the " world is silent and dark." Fingal's description of the fallen Balclutha is truly poetical. " I have seen the walls " of Balclutha, but they were desolate. The stream of " Clutha was removed from its place by the fall of the " walls. The thistle shook there its lonely head; the moss " whistled to the winds. The fox looked out from the " windows; the rank grass of the walls waved around its " head." i. 82. Here, however, we discover the imitations of scattered passages happily improved. " The thorn " and the thistle shall come up on their altars." Hosea, x. 18. " Because of the mountain of Zion, which is deso- " late; the foxes walk on it." Lam. v. 18. " The cor- " morant and the bittern shall lodge in the upper lintels of

" it; their voice shall sing in the *windows*;" Zeph. ii. 14. combined with an image from Pope:

" The *fox* obscene to gaping tombs retires,
" And savage howlings fill the sacred quires."
WINDSOR FOREST.

But when he proceeds, " why dost thou build thy hall, " son of the winged days; thou lookest from thy towers " to day, yet a few years, and the blast of the desert " comes;" the morality of the divine, afraid to allude directly to a future state, is imperfectly concealed; and Fingal is recalled, from the sublime reflections of Job on our present short existence, to a convivial sentiment of absurd bombast; to rejoice in the shell, that when the blast of the desert should come, his fame would survive the sun. To me it appears that here, and in the address to the sun, the author has inserted some favourite ideas from his college exercises at the Divinity hall. The beginning is derived from Satan's address to the sun in Milton. " *O thou* that " rollest above, round as the shield of my fathers, whence " are thy beams, O sun! thy everlasting light? Thou " comest forth in thy awful beauty! the *stars hide themselves* in the sky; the moon, cold and pale, sinks in the " western wave; but thou thyself movest *alone*, who can be " the companion of thy course!"

" *O thou*, that with surpassing glory crowned,
" Look'st from thy *sole* dominion like the God
" Of this new world; at whose sight all *the stars*
" *Hide their diminished heads*; to thee I call,
" But with no friendly voice, and add thy name,
" *O sun*, to tell thee how I hate thy *beams*;"
——" Two broad suns, their shields
" Blazed opposite." MILT.

" The moon which rose last night, round as my shield."
DOUGLAS.

The broad sun compared inversely to a round shield; the stars that hide themselves (their diminished heads) at his approach; in his awful beauty moving alone, or with surpassing glory crowned, in sole dominion; his everlasting light, like the God of this new world; are obvious imitations, which it is impossible to mistake. " Whence are thy " beams, O sun! thy everlasting light," though a natural transition of the divine to its eternal source, is preposterous in Ossian, who, believing its light everlasting, could have no conception of its creation, nor a suspicion from whence it proceeded. " The oaks of the mountains fall; the " mountains themselves decay with years," is a philosophical or scriptural allusion, as remote from Ossian's sphere of observation, as the earthquakes that " shake green Erin " from side to side."—" The ocean shrinks and grows " again; *the moon herself is lost in heaven;* but thou art for " ever the same; *rejoicing in the strength* of thy course. " But to Ossian thou *lookest in vain*, for he *beholds thy beams* " no more."

" But thou
" Revisit'st not these eyes that roll *in vain*
" *To find thy piercing ray.*" PAR. LOST.

" The sun to me is dark,
" And silent as the moon
" When she *deserts the night*,
" *Hid in her vacant interlunar cave.*"
SAMSON AGONISTES.

" *He rejoiceth in his strength.*" JOB.

Not satisfied with creating a third blind, epic bard, like Homer and Milton, the translator has appropriated the same

passages to Ossian: he is placed, like Samson, where the sun delights to shine; and Malvina, like Milton's Urania, visits his slumber nightly with her song. In the concluding paragraph, the divine recurs. "But thou art perhaps like "me, for a season; thy years will have an end;" a favourite idea already repeated in the same poem; "*When thou!* "*sun* of heaven *shalt fail*, if *thou shalt fail* thou mighty "light! if thy brightness is for a season like Fingal, *our* "*fame* shall survive thy beams;" is derived from a source that would little be suspected.

"*When those* fair *suns shall set*, as *set they must*,
"And all those tresses shall be laid in dust,
"This lock the muse shall *consecrate to fame*,
"And 'midst the stars inscribe Belinda's name."

RAPE OF THE LOCK.

An intimation that the sun is only for a season, and may be extinguished like the life of man, must suggest the idea of its author, if not of a future state, to the most untutored mind. But as that would encroach on the province of the Druids, or in other words, would betray a dangerous glimpse of the divine, the sun is desired to "exult in the "strength of his youth, for age is dark and unlovely. It "is like the *glimmering light* of the *moon*, when it shines "through *broken clouds* and the *mist* is on the hills; the blast "of the north is on the plain, and the *traveller* shrinks in "midst of his *journey*:" a professed imitation of Virgil's,

"Quale per *incertam lunam* sub *luce maligna*
"Est *iter* in silvis; ubi cœlum condidit *umbra*
"Jupiter, et rebus nox abstulit atra colorem."

and of Dryden's translation;

"Thus wander *travellers* in woods by night,
"By the *moon's doubtful* and *malignant light*;

" When Jove in *dusky clouds* involves the skies;
" And the feint crescent shoots by fits before their eyes."

5. Of the lesser poems, Oithona opens with the conclu- The lesser
sion of Hardiknute; " There is no sound in the hall, no poems.
" *long streaming* beam of *light* comes trembling through
" the gloom."

" There's nae light in my ladie's bower,
" There's nae light in my hall, &c."

" With thy *long* levelled rule of *streaming light*;"
COMUS.

and contains some curious imitations, one of which the author scruples not to produce as a parallel passage. " On " the third day arose Tromathon, like a *blue shield* in the " *midst* of the *sea*." Phæacia's dusky coast appeared to Ulysses, " Indistinct and vast."

" Like a *broad shield amid* the *watry waste*."
POPE'S ODYSSEY.

" Why did I not pass away in *secret*, like the *flower* of " the rock that lifts its fair head *unseen*, and *strews* its " withered leaves on the *blast*;" at once an imitation of Catullus and Gray.

" Ut *flos* in septis, *secretus* nascitur hortis."

" Full many a *flower* is born to blush *unseen*,
" And *waste* its sweetness on the *desert air*."

In the Five Bards, produced in a note, as a poem a thousand years later than Ossian, " The wind is up; the " shower descends; the spirit of the mountains shrieks; " windows flap; the growing river roars; the traveller at- " tempts the ford: Hark that shriek! he dies;" i. 133. a part is taken from Blair's Grave.

" *The wind is up, hark* how it howls! methinks
" Till now I never heard a sound more dreary:
" Doors creak and *windows clap.*"

A part, omitted in the copy sent to Gray [37], was inserted afterwards from the tragedy of Douglas;

" Red came the river down, and loud and oft
" The angry *spirit* of the waters *shriek'd*;"

and the concluding incident is borrowed from Thomson. In Calthon and Colmal, " the sun appears in the west, " after the steps of his brightness have passed behind a " storm; the green hills lift their dewy heads; the blue " streams rejoice in the vale. The aged hero comes forth " on his staff; his grey hair glitters in the beam;" all but the last image of Young's, professedly from Milton.

" If chance the radiant sun with farewel sweet,
" Extend his evening beam, the fields revive,
" The birds their notes renew, and bleating herds
" Attest their joy, that hill and valley ring."
PAR. LOST.

" Here, like a shepherd gazing from his hut,
" Touching his reed, or leaning on his staff."
NIGHT THOUGHTS.

Oscar's Soliloquy, when alone in Caros, on the approach of the enemy, is written in emulation of Ulysses' soliloquy in the Iliad, when oppressed by numbers: his voice, " like " the noise of a cave when the sea of Togormo rolls before " it," is transcribed from Milton;

[37] Mason's edit. of Gray's Poems and Letters, iv. 61. oct.

" As when hollow rocks retain
" The sound of blustering winds, which all night long
" Had raised the sea ;"

and his ghost, travelling in the light of his steel, i. 195. from Isaiah, " travelling in the greatness of his strength," lxiii. 1. Our youth is compared in Inis-thona, to the dream of the hunter ; from Job, xx. 8. and the Psalmist, xc. 9. ; and " ye sons of the chase stand far distant, nor disturb " the dreams of Ossian," i. 202. from the Song of Solomon, iii. 5. But in Berrathon, the generations of men are at once compared, with Horace, to waves, and with Homer, to the annual succession of leaves. " The chiefs of other " times are departed. The sons of future days shall pass " away. Another race shall arise. The people are like the " waves of ocean ; like the leaves of woody Morven, they " pass away in the rustling blast, and other leaves lift their " green heads."

Οἵη περ φύλλων γενεὴ, τοιήδε καὶ ἀνδρων.
Φύλλα τὰμέν τ' ανεμος χαμαδις χέει, αλλα δε Ϝ' ὑλη
Τηλεθοωσα φυει, εαρος δ' επιγιγνεται ὥρη.
IL. vi. 146.

" Hæres
" Hæredem alterius, velut unda supervenit undam."
" Ut silvæ foliis pronos mutantur in annos
" Prima cadunt." HOR.

That the same ideas which Pindar, Sophocles, and Euripides were proud to adopt from Homer, and Pope was content to transcribe from Horace, should occur fortuitously, in the same words, to the Celtick bard, is a supposition too gross for the most credulous to believe.

6. To conclude with Fingal,—as the invocation of a Fingal.

muse might betray imitation, the addresses uniformly prefixed to the lesser poems are studiously omitted. Fingal opens abruptly with Cuthullin reclined under *Tura's* wall, nine centuries before *towers* or castles were erected in Ireland [38]. In the transition to Swaran, it is impossible not to recognize Milton's Satan. "I beheld their chief, tall as a "rock of ice. His *spear* is a blasted *pine*. His *shield* the "*rising moon*."

"His ponderous shield—
"Hung on his shoulders like the *moon*, whose orb
"Thro' optic glass the Tuscan artist views
"At *evening*."
"His *spear*, to equal which the tallest *pine*,
"Hewn on Norwegian hills, &c."

Even Calmar's hyperbolical rants, "Rise, ye dark winds "of Erin, rise! roar *whirlwinds* of Lara of hinds: amidst "the *tempest* let me die, torn in a cloud by angry ghosts of "men; if ever *chase* was *sport* to me like the battle of "shields;" is derived from Milton's imitation of Virgil:

"While we, perhaps,
"Designing, or exhorting glorious war,
"Caught in a fiery *tempest*, shall be hurled,
"Each on his rock transfixed, the *sport* and *prey*
"Of wracking *whirlwinds*." PAR. LOST, I.

"Illum expirantem transfixo pectore flammas
"Turbine corripuit, scopuloque infixit acuto."
ÆN. I.

Instead of the horse litter represented by Blair as set with Scotch pebbles, Cuthullin's car is no obscure imitation

[38] O'Conor's Dissert. 81. 174. 2d edit.

of Solomon's chariot, Juno's car, and the chariot of the sun. " It *bends behind* like a wave near a rock; like the golden " mist of the heath. Its sides are embossed with stones, " and sparkle like the sea round the boat of night. Of po- " lished yew is its beam, and its seat of the smoothest bone; " the sides are replenished with spears, and the *bottom* is " the footstool of heroes." In Solomon's bed or chariot, " The *bottom* thereof is of gold, the covering thereof of " purple, the midst thereof being paved with love, for the " daughters of Jerusalem." Canticles.

" The car *behind* an arching figure bore,
" The *bending* concave formed an arch before;
" *Silver the beam*, th' extended yoke was gold,
" And *golden* reins th' immortal coursers hold."

POPE'S ILIAD V.

" Aureus axis erat; *temo aureus*, aurea summæ
" Curvatura rotæ, radiorum argenteus ordo.
" Per juga Chrysolithi, positæque ex ordine gemmæ,
" Clara repercusso reddebant lumina Phœbo."

OVID.

Of polished yew is the beam, is " silver the beam," and the *temo aureus* of Ovid; its sides studded with sparkling stones, *per juga chrysolithi*; but the bottom paved with love, is judiciously converted into the footstool of heroes; and it *bends behind*, from " the car *behind*," and, " the *bending* " concave," like the *golden* mist, an allusion which the author has since suppressed. The subsequent battle is transcribed indisputably from Pope's Homer. " Like autumn's " dark storms, *pouring* from *two echoing hills*, towards each " other approached the heroes. Like *two deep streams*, " meeting, *mixing*, and *roaring* on the *plain*; loud, rough, " and dark in battle met Lochlin and Innisfail."

" As when the winds ascending by degrees
" First move the whitening surface of the seas, &c."
" As torrents roll, encreased by numerous rills,
" With rage impetuous *down their echoing hills*,
" Rush to the vales, and *pour along the plain*;
" *Roar* thro' a thousand channels to the main;
" The distant shepherd, trembling, hears the sound,
" So *mix* both hosts, and so their cries rebound."

" Cuthullin's sword was like the *beam of heaven*, when it " pierces the sons of the vale; the *people* are *blasted and fall*, " and all the *hills* are *burning around*."

" And yet its flame unquenched,
" Th' unconquerable *lightning* struggles through—
" And *fires the mountains* with redoubled rage.
" Black from the stroke, above, the smouldering pine,
" Stands a sad shattered trunk, and stretched below,
" A lifeless group, the *blasted cattle* lie."

THOMSON'S SUMMER.

Or, " The *people are blasted* and *fall*, and all the *hills* " are *burning around*."

Cuthullin's encounter with Swaran, is copied from Milton's encounter of Satan and Death. " Who are those on " Lena's heath, those so gloomy and dark? who are those " like *two clouds*, and their swords *like lightning* above " them? The little hills are *troubled around*; the rocks " tremble with all their moss. Who is it but ocean's son, " and the carborne chief of Erin?"

" Each at the head
" Levelled his deadly aim, and such a frown
" Each cast at th' other, as when *two black clouds*,
" *With heaven's artillery* fraught, come rattling on,

" Over the Caspian.—
" So frowned the mighty combatants, that hell
" *Grew darker* at their frown."

The apostrophe to the maid of Inistore—" *Weep on thy* " *rock* of roaring winds, *O maid of Inistore! bend thy fair* " *head* over the waves: he is fallen! thy youth is low, pale " beneath the sword of Cuthullin;" is borrowed from Hardiknute:

" On Norway's coast the widow'd dame,
" May *wash the rocks* with tears,
" May lang *look o'er* the shipless seas,
" Before her mate appears.
" Cease, Emma, cease to hope in vain!
" Thy lord lies *in the clay* [39]," &c.

The episode of Cairbar and Brassolis contains a singular detection. " Here rests their dust, Cuthullin; and these " two lonely yews sprung from their tombs, and wish to " meet on high." As the conceit had been reprobated by Dr. Blair, the obsequious text of Ossian disappeared. " The lonely yews sprung from their tomb, to shade them " from the storm [40]." The yew was not then a funeral plant, nor appropriated to the grave till introduced into church-yards. But if the two lonely yews that sprung from their graves were suggested by Blair, the poet's " chearless unsocial plant," I am afraid that the sentimental conceit was derived from Swift's version of Baucis and Philemon metamorphosed into yews! when the parson cut Baucis down, the other tree

[39] Even this is borrowed from the older ballad of Sir Patrick Spence, drowned at sea; " O lang, lang may our ladies look," &c.

[40] Blair's Diss. 383. Fingal, 1st edit. 18. Ossian's Poems, 1773. v. i. p. 240.

" Grew scrubby, died a-top, was stunted,
" So the next parson stubbed and burnt it."

The next book opens with Crugal's ghost of mist, introduced in imitation of the shade of Patroclus, ἠύτε καπνος, like a thin smoke, but diversified happily by the " stars " dim-twinkling through his form." The same image is repeated in Cuthullin; but not satisfied with this success, the author, to vindicate his ancestors from idolatry, produced afterwards, in a serious history, a poem in Earse and English, representing Griannius, the genius of the sun, arrested and struggling, in the polar regions, with a sudden frost; and the Cruglians, a name derived from Crugal, shrinking into their caves at his horrible outcries[41]. A single image in Fingal is derived from frost. " The heroes " stood on the heath, like oaks with all their branches " round them, when they echo to the *stream of frost*, and " their withered branches are rustling to the wind." But this, and another transplanted from the Highlander, " They " stood like a half consumed grove of oaks, when we see " the sky through its branches, and the meteor passing be- " hind," are both from Milton:

" Yet faithful how they stood,
" Their glory withered, as when heaven's fire
" Hath scathed the forest oaks, or mountain pines;
" With singed top their stately growth, tho' bare,
" Stands on the blasted heath."

As,

" Satan alarmed,
" Collecting all his might, dilated stood,
" Like Teneriff or Atlas unremoved;

[41] Introduction to the Hist. of Britain, 168.

" His stature reached the sky, and on his crest
" Sat horror plumed;"

" Horrendumque intonat armis,
" Quantus Athos, aut quantus Eryx, aut ipse coruscis
" *Cum fremit ilicibus* quantus, gaudetque *nivali*
" Vertice se attollens pater Appenninus ad auras."

VIRGIL.

So " Cuthullin stood before him like a hill that catches " the clouds of heaven: the winds contend on its *head of* " *pines:* the hail rattles on its rocks. But firm in its " strength it stands, and shades the silent vale of Cona." In another passage, " Fierce Cairbar rushed along like " ocean's whale. He saw the death of his daughter. He " *roared in the midst of thousands.*"

" Penthesilea furens, *mediisque in millibus* ardet."

VIRGIL.

But perhaps the most egregious imitation is that of Milton's sun in eclipse. " Connal mounts the car of " gems. They stretch their shields like the darkened " moon, the daughter of the starry skies, when she moves " a dun circle through heaven, *and dreadful change is ex-* " *pected by men.*"

" Or from behind the moon
" In dim eclipse, disasterous twilight sheds
" On half the nations, and with fear of change
" Perplexes monarchs."

As if the moon, moving a dun circle through heaven, were insufficient to indicate the dim eclipse, the dreadful change expected by men, which was suppressed in the first editions, was restored in the last, that no doubt of the imi-

tation might remain. The episode of Comal and Galvina, who tries her lover in the arms of a man, is a gross imitation of the fable of Procris; and Hardiknute is almost literally repeated by Fingal. "Gaul, take thy terrible "sword. Fergus, *bend* thy *crooked yew*. Throw, Fillin, thy "*lance* through heaven."

"Robin of Rothsay, *bend thy bow*,
"Thy arrows shoot sae liel:—
"Braed Thomas take ye but your *lance*,
"Ye need not weapons mair."

And,

Cuthullin "stands alone like a rock in a sandy vale. "The sea comes with its waves, and roars against its hard- "ened sides; its head is covered with foam; the hills are "echoing around," from a noted simile in Homer and Virgil.

"Ille, velut pelagi rupes immota, resistit;
"Ut pelagi rupes, magno veniente fragore,
"Quæ sese, multis circum latrantibus undis,
"Mole tenet; scopuli nequicquam et spumea circum
"Saxa fremunt, laterique illisa refunditur alga."

ÆNEID.

Original ballads.

7. Instead of tracing perpetual imitations, let us proceed to the originals. Ossian's courtship of Evirallin is an episode for which there is some foundation. The original is a ballad of twenty-two stanzas, addressed to a woman with whose proposals the frigid old bard, to use his translator's expression [42], was unable to comply. It begins thus: "He is a dog "who is not compliant;" and, instead of the sentimental affectation of Ossian, discovers little else than the blunt and barbarous manners of the age. "But I tell you, wanton

[42] Ossian, ii. 142.

"girl! I once was valiant in battle, though now I am worn "out with age. When we went to lovely Evir of the shin- "ing hair, the maid of the white hand, the disdainful "favourite of Cormac, we went to Loch Lego, twelve men "the most valiant beneath the sun. Would you know "our determined resolution? it was to make cowards fly "before us. Then Bran said, and he did not speak a false- "hood, if I had twelve daughters, such is his fame among "the Fions, Ossian should have the first [42]." Such are the originals, and should they, in some passages, exceed expectation, let it be remembered that the Irish, to which they belong, was a written language, cultivated since the introduction of letters by Saint Patrick. But let us hear the translator. "Daughter of the hand of snow, I was not so "mournful and blind, I was not so dark and forlorn, when "Evirallin loved me. Evirallin with the dark brown hair, "the white bosomed love of Cormac. I went in suit of the "maid to Lego's sable surge—to Branno of the sounding "mail;—though twelve daughters of beauty were mine, "thine were the choice, thou son of fame." i. 284. Thus he proceeds to enumerate Ossian's champions, and their combat with Cormac, in prose sublime; but he retains inadvertently, the barbarous conclusion of the original, that the humane Ossian, whose generosity is so superior to Homer's, cuts off his rival's head, which he carries to Fingal. The original of Fingal itself, is not more extensive. Ossian and St. Patrick the clerk, or the combat of Fingal and Magnus, is a ballad of forty-seven quatrains of short lines, (the second and fourth rhyming together) a few passages of which are transcribed in Fingal. "The seven brave "sons of the little lake of Lano, says Gaul without guile,

[42] Transact. of the Royal Irish Academy, i. 52. Collect. of Gaelic Poems by Gillies at Perth, 1786, p. 11.

" you think them a great multitude, but I will conquer " them. Then said Oscar of mighty strength, give to me " the king of Inistore, (isle of wild boars) his twelve nobles " have a sweet voice, I will quell them. Earl (Jarla) Mu- " dan's glory is great, says brown Dermid, without malice; " I will quell him for thy heroes, or fall in the attempt. I " myself took in hand, though I am this night without " vigour, king Terman of the close battles, that I should " sever his head from his body. Deserve blessings and gain " the victory, said Comhall's son of the red cheeks; Mag- " nus Macgharra of multitudes, I will conquer, though " great is his fury in battle[44]." " Mine," says Macpherson, " be the seven chiefs that come from Lano's lake. Let " Inistore's dark king, said Oscar, come to the sword of " Ossian's son, &c. Blest and victorious be my chiefs, said " Fingal of the mildest look; Swaran, king of roaring " waves, thou art the choice of Fingal." i. 294. The sun-beam or standard set with golden stones, and the combat of the two kings, the son of Comhall of the drinking horns, and Magnus the unfortunate, are described in the original. " Clerk, was not that a dreadful case! like the strokes of " two hammers, the bloody battle of the two kings, whose " countenance was very furious. After their red shields " were broken, their countenance being very fierce, they " threw their weapons down, and struggled for victory. " There were stones and heavy earth opening between " their feet." Like the original ballad, Fingal ends in a wrestling match. " Behold the battle of the chiefs! There " was the clang of arms, there every stroke like the hun-

[44] Hill's Collect. in the Gentleman's Magazine, 1783. Perth Collect. p. 18. In these Poems, Fingal's house at Almhuin or Allen, in Ireland, is converted by Macpherson into Selma and Albion, and St. Patrick, who is termed Macalpin the clerk, into the son of Alpin.

"dred hammers of the furnace:—Their dark brown shields "are cleft in twain. Their steel flies, broken from their "hands. They fling their weapons down. Each rushes "to his heroe's grasp. But when the pride of their strength "arose, they shook the hill with their heels. Rocks "tumble from their places on high; the green headed "bushes are overturned. At length the strength of Swaran "fell. The king of the groves is bound." i. 302. This egregious bombast is concluded with a classical imitation; more extravagant still when applied to the combatants. "Thus have I seen in Cona, but Cona I behold no more,' (the ballads contain no intimation that Ossian was blind) "thus have I seen two dark hills removed from their place "by the strength of the mountain stream. They turn "from side to side, and their tall oaks meet one another on "high. Then they fall together with all their rocks and "trees."

"As if on earth,
"Winds under ground, or waters forcing way,
"Side long had pushed a mountain from his seat,
"Half sunk with all his pines." MILTON.

The battle of Lora is derived from the tale of Erragon, a fictitious king of Lochlin; Larthmon from Lamonmor; Darthula from an absurd fable of the three sons of Uisleachan, slain by O'Conachar their maternal uncle, and of Deirdar, who stabbed herself on their bodies with a carpenter's knife; but the names and outlines of the story excepted, not a single sentiment, image, or idea of Macpherson's Ossian is to be found in these ballads[45]. The

[45] These and the two epics are almost the only poems of which Dr. Blair received attestations. But the last was so strongly attested as rehearsed by Macvuirick and others, "with very little difference from the printed translation," that he pronounced from its poetical and sentimental beau

sole foundation of the Temora is the death of Oscar, a ballad of sixty stanzas, from which that incident, and a few pathetic passages, are inserted in Ossian; "the howling of the dogs; the groans of the aged chiefs; but "never more shall Oscar rise; no mother lamented her "son, nor one brother for another, but each of us that "were present wept for Oscar [46]". Such are the originals, of which the names, and traditionary fables, and a few passages adopted by Macpherson, have persuaded his credulous countrymen that they had heard, and known the poems in their early youth. It is also observable, that such are almost the only passages produced by those who have chosen gratuitously to attest that the translation was authentic; and if, instead of an epic poem, Macpherson had proclaimed the discovery of an Earse gospel, I verily

ties, that "whatever genius could have produced Darthula, must be judged fully equal to any performance contained in Macpherson's publication." Diss. Append. Literal translations of the ballads which I have quoted, are now in my possession. Among these are two versions of Deirdar, and a third of Uisleachan's or Usno's children; but I again repeat, that not a single sentiment or line of Darthula is to be found in either. Cuthullin's chariot, the only other poem attested to Dr. Blair, is in the same predicament; a ballad containing the names of the horses alone. Such ballads are the only poetical treasures which the Antiquary and Gaelic Societies of Scotland have discovered in the highlands; but, unless when manufactured anew in the translation, in point of poetical merit they are utterly contemptible.

[46] Transactions of the Royal Irish Academy, i. 82. 105. Perth Collect. 305—18. Hill's Collect. Another pathetic passage is Fingal's lamentation; "Oscar, my beloved! son of my son! beloved of my beloved! my heart pants over thee like a blackbird; never more shall Oscar rise," transcribed by Macpherson: "The heart of the aged beats over thee. Weep ye heroes of Morven; never more shall Oscar rise." But when he proceeds to Ossian's lamentation, where the ballad fails him, the father is forgotten in the declamatory style of a modern poet, not expressive but descriptive of grief. ii. 17, 18.

believe that he would have obtained the same attestations[47]. But the man who believes that the same images employed in scripture, and the same classical beauties selected, with such curious felicity, by Homer, Catullus, Virgil, Horace, Tibullus, and Milton, not to mention contemporary poets, occurred fortuitously to Ossian, almost in the same words, but without imitation, is beyond the reach of argument, and must be abandoned to his faith.

VII. 1. The specimens of the original produced by Macpherson were translated into Earse, from the English original, by the translator himself. On this subject it is necessary to premise, that the authenticity of Ossian depends upon an historical theory, of which the poems are inversely the sole proof. The ancient Caledonians, whether Scots or Picts, were aboriginal Gaels, who, retiring northward from the Cimbric Celts and the Belgæ, peopled Scotland and Ireland successively; and whose legitimate descendants, the present highlanders, secured by their mountains from an intercourse either with the Saxons or Danes, instead of being a recent Irish colony, have preserved their primitive language and poetry, upwards of fifteen centuries, pure and unmixed. It appears, however, from inspecting their vocabulary, that the Earse or Irish is a mixed language[48], of which a large part is derived from the Saxon or Latin, through the medium of the priests. I acknowledge that the Teutonic was partly introduced by

Specimens of the Earse original.

47 Whoever peruses a Treatise on the Second Sight, published in 1763, within a year after the appearance of Fingal, by Macleod of Hammer, will not be surprised at any testimonies which Blair procured from the Highlands for the authenticity of Ossian. Above an hundred instances of Second Sight in the highlands of Scotland, are attested by living witnesses, and all of them as well authenticated as the poems of Ossian.

48 Macfarlan's Vocabulary; and O'Brien's and Shaw's Dictionaries of the Irish and Earse; which I have chiefly consulted.

the Belgæ, who, pursuing into Ireland the Gaelic Celts, whom they had expelled from England, incorporated at length with the people whom they subdued [49]. An admis-

[49] That the Belgæ were Germans is acknowledged by every writer from Merula to Clark (Saxon Coins) and Pinkerton, with the exception of such French and Scottish antiquaries as Pezron and his followers, who have transformed the Germans themselves into Celts. Such as still adhere to an opposite opinion, endeavour to explain away the first sentence in Cæsar, *Belgæ, Aquitani, Celtæ, hi omnes lingua, institutis, legibus, inter se differunt*, by a commentary on Strabo's ὁμογλώττες δὲ ἅπαντας ἀλλ' ἐνίοις μικρὸν παραλλαττοντας τοις γλώτταις; "their language is not altogether the same, but somewhat different in dialect." But they forget that Strabo is careful to discriminate the Celts proper, from the Gauls in general; and overlook the positive testimony of Cæsar, in the second book, *plerosque Belgas esse ortos a Germanis: Rhenumque antiquitus transductos, propter loci fertilitatem ibi consedisse; Gallosque, qui ea loca incolerent, expulisse*; c. 4. to which the authority transcribed by Ammianus Marcellinus alludes; Aborigines Celtas—sed alios quoque ab insulis extimis confluxisse, et tractibus Transrhenanis. l. 15. c. 9. Lloyd himself acknowledges that the Belgæ were Germans, and that the Irish was comparatively a Teutonick language, which has borrowed some words from the Welsh, but a greater number from the Latin and French. Preface to the Welsh Dict. in his Archeologia, translated in Nicolson's Irish Hist. Library, 119. and confirmed by a list of Teutonick words. That Ireland was peopled from Cantire, by Scottish highlanders, rather than from the English coasts of the channel, by the aboriginal Gauls whom the Cimbri and Belgæ had expelled from England, is refuted by the small number of highlanders at the present day. The population of the seven counties in which Earse is spoken, Argyle and the Isles, Inverness, Perth, Dumbarton, Ross, Caithness, and Sutherland, scarcely amounts to four hundred thousand, of which Perth contains 133,000. Satist. Account, vol. xx. After deducting at least 130,000 for the Lowlands of Dumbarton, Perth, Ross, Sutherland, and Caithness, the Highlanders are not a fifth part of the inhabitants of Scotland; and there is no reason to believe that the proportion was greater at any former period. Major, whose argument for the Irish descent of the Scots is misquoted by Stillingfleet, merely asserts that one half, not of the Scots, but of Scotland, (*medietas Scotiæ*) spoke Irish then; an assertion cautiously limited and strictly true, though the mountainous half and the isles of Scotland hardly contain a fifth part of the whole nation. The strange opinion that Earse was the national and court language in the reign of Malcom III. rests on a passage in Tur-

sion so repugnant to the authenticity of Ossian, which disclaims the migration or the origin of the highlanders from Ireland, can avail the translator nothing; but the Irish, it is said, is the primitive, and was once the universal lan-

got's Life of Margaret, that the king, in a national council, acted as interpreter between the Scottish priests and the queen. But the Culdees were generally Irish priests, so distinguished then for their sanctity and learning; the queen herself was a foreigner, born in Hungary, (from which she returned ten years before her marriage,) and probably less acquainted with the Saxon; and in the abridgment of Turgot by a writer more attentive to the fact, the difference of languages disappears in a different idiom or dialect, such as the Scottish always was with respect to the English. *Rex qui quod perfecte Anglorum idioma (linguam, Turgot), æque ut proprium calleret, vigilantissimus in hoc concilio utriusque partis interpres fuit.* Pinkerton's *Vitæ Sanctorum*, p. 339—76. The English introduced by a few Saxon exiles and slaves, might assimilate a collateral language to itself, but could never extirpate the national language, nor can it now explain the disappearance of Earse, which predominated in the plains of Ireland over the Belgick, and resisted the subsequent colonies of the English and Scots. The Norwegian was lost in the French language; and notwithstanding the endeavours of William the Conqueror, and his Norman successors, the latter was soon lost in the Saxon. The Welsh and Saxons have lived in the same island above a thousand years. The former have been conquered above five hundred, but the Welsh language is still preserved. But there was no conquest nor colonization by the Saxons in Scotland; and no adequate cause to supplant the Gaelic in the short interval of 160 years between Malcolm and Alexander III. No intermixture, nor the least vestige of an Earse original is to be found in the Scotch, which was unavoidable had the Saxon been superinduced upon the Gaelic; but the fact is that the Scotch was the national language in Malcolm's reign. No writings of the period are preserved; but the harbour where the queen's ship escaped from the tempest, was named St. Margaret's Hope; the place where she landed the Queensferry; whereas it would have been *Portree*, had the language been Earse. Her son David 1st's charter to the Abbey of Dumfermline contains Pettecorthin (Pit-cur), Shiram de Kirkalduit (the *shire* of Kirkaldy), *Kinghorn*, *Smitheton* Wymet; a proof that in 1126 the language from which these words were derived was Scotch. Sir James Dalrymple's Collections concerning Scottish History, 1705, p. 383. Two years afterwards he founded the Abbey of *Holy-rood-houle*, which, whether it was translated from, or into, the Domus Sanctæ Crucis de Crag (from its

guage of the whole earth. Each word in the poems, of an obvious and late derivation from the Saxon, Greek, or Latin, will be vindicated as derived by these languages from the Celtick tongue. To contend with Celtick etymologists were an abuse of argument, and a waste of words[30]. They who maintain that the Greek *Tyrannus*, and the Latin *Rex*, were adopted from *Tiarna*, and *Righ* a king, may believe that *Dux* and *Comes* are derived from Duke and Count. In addition, however, to the general rule, that a term common to different languages, must be derived from the one to which its radical belongs, I shall offer two observations which can admit of no dispute. The first is, that as the Celtick has peculiar names for the objects of nature, while the terms of art, or of abstract

vicinity to *Salisbury* craigs) demonstrates that the national language was not Earse. The Abbeys of *Newbottle* and *Dryburgh* were founded by the same prince; but no one will venture to assert that the Gaelic of Malcolm III. was transformed into Saxon in the reign of his son. The Celtick names in the lowlands are derived from the Cimbrick or Strathclyd Welsh; *Esk*, *avon*, *aber*, *caer*, *lan*; and when the Picts are once traced to Scandinavia, the affinity between theirs and the Saxon language, from the opposite peninsula of Jutland, must be conceived to be the same as that between the Swedish and German, the Welsh and Earse, or the Danish and Saxon; which last William the Conqueror, from his knowledge of Norman, a sister language, was enabled to comprehend. Dudon apud Duchene's Script. Norm. These facts are mostly suggested by Pinkerton's Dissertation on the Scythians, and Introduction to the History of Scotland, to which his opponents are not a little indebted for whatever information they possess on the subject.

[30] See, for instance, Vallancy's egregious attempt, by the abridgment, transposition, and alteration of syllables, to convert the Punic scene of Plautus into modern Irish; in which we discover that such words as *O all*, O allmighty, *nimh*, numen, *beannaithe*, benedictus, *umhal*, humble, *frotha*, streams, *alla teamplai*, holy temples, *saisi*, cause, *pian*, pain, were genuine Punic words, the language of Ireland, long before it was known to the Romans. Misc. Hibern. ii. 310. Such is also the absurd etymology of Beltain, (*Bael*, Sax. *Beol*, Swed. *Beil*, Scot. rogus, *Tende*, incendere,) from Bel, an Assyrian deity once worshipped in the highlands of Scotland.

ideas are the same with those in the Latin, we must conclude that the latter, instead of being derived by the Romans from a barbarous people, were adopted by the Welsh and Irish from the refined language of a civilized nation. The second observation is, that terms common to the Celtick and Saxon, must be derived from the Teutonick, if discovered among those northern nations, who had no intercourse with the Gaels, whom they expelled or confined to the west of Europe. To illustrate the first observation, *Pen*, or *Ceann*, *Lamh*, *Crann*, *Grian*, *Gealach*, *Carraig*, the head, the hand, a tree, the sun, the moon, a rock, are terms indisputably Celtick, which have no affinity to other languages; but *leabhar* a book, *liter* a letter, *leaghan* to read, *sgriobam* to write, (from *liber*, *litera*, *lego*, *scribo*,) disprove the early pretensions of the Irish to letters[a]; *aradh* a plough, *araim* to till, *aran* bread, (from *aratrum*, *aro*, *arva*,) demonstrate that the British and Irish Celts, a hunting or pastoral people, derived the names and instruments of husbandry from the Romans; *or* gold, *airgiod* silver, (from *aurum*, *argentum*,) that they were indebted to the same nation for the precious metals. As an example of the second observation, *Iarain*, *Prus*, *Copar*, *Luaidh*, iron, brass, copper, lead, were derived either from the Saxons, or from the Belgæ, who were eminently skilled, as appears from Strabo, in the metallick arts, and were certainly superior in arms to an enemy whose spears and arrows were pointed with flints, and whose stone hatchets are still denominated Celts. *Bial* and *Tuadh*, the battle-axe or hatchet, are adopted from the Swedish *Beyel*, the Belgick and Saxon *Tuyeh*, and *bill*; *Claidheam* a sword, like the French and English *glaive*, from the Latin *gladius*, *Saighead* from *sagitta*[b]; and to illustrate both

[a] Innes's Critical Essay, 414.

[b] Ledwich's Antiquities of Ireland, 115. 451. O'Brian's Dict. Dicc. Gloss. Sueo. Goth. Shilter's Thesaurus Antiq. Teut. Lye's Saxon Goth. Dict.

observations, *Cransaor* a carpenter, is compounded of the Celtick *crann* a tree, and the Teutonick *saw*, the implement of his trade. Keeping these observations in view, we shall proceed to the supposed specimens of the original, which, without any previous acquaintance with the language, I have examined with more attention, perhaps, than the subject deserves.

Malvina's dream.

2. The *original* Earse of Malvina's Dream, was produced by the translator, at lord Kaims's request [33]. The greatest difficulty was to produce the English original; for a ballad in blank verse of eight syllables, with a few occasional rhymes [34], may enable us to conceive the extreme facility of composition in his vernacular tongue. In the following verses there are neither the numbers of ancient, nor the rhymes of modern poetry, nor the artful alliteration of the Scalds, and of the Irish bards, but the same rude rhythm or cadence with his measured prose.

[33] Inserted in Shaw's Analysis, and in Smith's Seandana; a translation of his own poems into Earse, p. 23. Perth Collection, 29.

[34] Macpherson would have done better to have avoided rhyme altogether—a corruption of Greek and Latin poetry, first introduced, on account of its extreme facility, into Monkish verse, see vol. iii. note xxi. and adopted in Italian poetry in the middle of the ninth, into Saxon in the eleventh, and into Scandinavian poetry in the beginning of the thirteenth century. Tyrwhit's Chaucer, iv. 49. Pinkerton's Pref. to Barbour, 12. In Welsh poetry it was unknown to Giraldus Cambrensis in the twelfth century; a sufficient proof that the rhymes of Taliesin and the Welsh bards are a more recent forgery. The introduction of occasional rhymes in Ossian, five hundred years before they were known in Europe, and a thousand before they were used in Wales, is alone a detection. But the rhythm of Macpherson's Earse Ossian, to which there is no species of versification similar in the Welsh or Irish dialects of Celtick, seems to me to be constructed, with less licentiousness indeed, upon the same principle of recitative or cadence, with his measured prose, in which each clause, *numeris lege solutis*, when the sentence is printed as in these specimens, is framed to represent, to the eye as well as to the ear, an irregular verse. See his Pref. to Homer, p. 18. and Mason's edit. of Gray's Poems and Letters, iv. 61.

" 'Se guth anaim mo riun at ann!
" It was the voice of my love;
" O' s'ainmic gu aisling Mhalmhin, thu
" Seldom art thou in the dreams of Malvina.
" Fosglaibhse *talla* nan *speur*,
" Open your airy halls, (halls of the sky).
" Aithriche Thoscair nan cruai bheum,
" O fathers of Toscar of shields (hard blows).
" Fosglaibhse *dorsa* nan *nial*,
" Open the gates (doors) of your clouds;
" Tha ceuma Mhalmhine gu dian,
" The steps of Malvina (Malvina's departure) are near."

If the mossy halls of Selma, its towers and its shaded walls, are inconsistent with the wattled huts of the third century, we discover here the Gothic hall and its doors by name. *Talla*, a corruption of hall, occurs neither in O'Brian, nor in the old description of Tigh Teamhra [55], the hall or house of Temora; and *dorus* a door, is a word equally universal among the Northern nations, and inconsistent with Ossian. *Speur*, *speir* the sky, is confessedly the Latin *sphæra* [56], transferred by the ignorance of the priests, from the starry spheres to the firmament itself. I shall be told indeed that the Greek σφαῖρα is derived from the Irish *speur*; but those egregious etymologists forget, that the sphere signified nothing more than a ball or globe, even when transferred to the firmament which it was employed to represent. The last line, the steps of Malvina, in the first edition, of Malvina's *departure*, are near, is transcribed from scripture: "the time of my departure is at hand." 2 Tim. iv. 1. But the translator discovered that the Earse had no word equivalent to departure, as expressive of death,

[55] Collectanea Hibern. iii. 513. [56] O'Brian's Pref.

which was therefore omitted, and, from the poverty of the language, the voice of departed bards was translated *guth nam bard nach bes*; not *being*, not alive.

"Chualam guth ant aisling fein,
"I have heard a voice in my dream;
"Tha farum mo *chleibh gu bard*,
"I feel the fluttering of my soul, (*the force of my chest beats high*).
"Cuim thainig an osag am dheigh,
"Why didst thou come, O blast,
"O dhubh-shuibhal na linn ud thall?
"From the dark rolling face of the lake,
"Bha do sciath fhuaimneach an gallan an aonaich,
"Thy rustling wing was in the tree,
"Shuibhail aisling Mal-mhine gu dian:
"The dream of Malvina fled;
"Ach chunnaic is a run ag aomadh,
"But she beheld her love,
"Sa cheo-*carradh* ag taomadh m'a *chliabh*;
"When his robe of mist flew on the wind, (his misty array poured from his breast)
"Bha dearsa na grein air thaobh ris,
"A sun-beam was on his skirt;
"Co boisgeal ri *or* nan daimh,
"They glittered like the gold of the stranger."

As each language has certain metaphorical idioms, easily distinguished when transferred to another, a chest, applied to the human trunk or chest, or a trunk inversely to a chest, is peculiar to the English; the wing of an house or of an army, is adopted from the Latin; the wings of the morning and of the winds from scripture; and the last, I believe, as a Latin idiom, *levibus ventorum advemigat alis*, is to

be found only where it was unavoidable, in Buchanan's Psalms. The first has been translated into Irish; like *cran eriath*, the trembling poplar. But that Ossian, anticipating the English idiom, should employ *Cliadh* a basket, literally the same with *Cista*, for the human chest, will be believed only by those who are already persuaded that the rustling wing of the blast preceded the translation of the Psalms into Earse. The robe of mist that flew on the winds, contains a double detection. *Earradh* is literally the English *array*, from the Teutonick *raia, rada, ordo*; hence raiment, array; *taomadh*, to pour out, to empty, is the Icelandick *tomer*; the Danish *tom*, and the Scottish *tume*[57]. Instead, however, of "it flew on the wind," the Author adopted *Taomadh*, it poured from his breast; a word repeatedly employed in Temora, the next specimen, for pouring mist on the warrior's grave. "A sun-beam was on his *skirts*; "they glittered like the *gold* of the stranger:" an imitation of Milton's angel-wings;

"*Skirted* his loins and thighs with downy *gold*;"

may contain the French *or*, from the Latin *aurum*, with less impropriety: but in a subsequent passage, "the day of the "sun," (as *diasul*, or *greine*, would signify Sunday,) is translated 'S'grian *orradh* na beinn, the sun, according to the English idiom, gilding the hills.

"Is connuidh dhuit *anam* Malmhinc,
"But thou dwellest in the soul of Malvina:
"Mhic Oisian is treine lamh,
"Son of mighty Ossian (of the mighty hand).

[57] Ruddiman's Glossary to Gawin Douglas's translation of Virgil. Instead of *Taomadh*, Smith substitutes *Taorgu*, pumped out of his breast; and instead of *Orradh*, the Perth editors have *Seartan*, the sun separated on the hill; both nonsense.

" Eirig m' osna mar re deursa on ear';
" My sighs arise with the beams of the east;
" Thaomma *dheoir ammeasg* sil eadh nah'oiche,
" My tears descend with *(amidst)* the drops of night."

Anam from anima, *deur* a tear, derived by Lloyd himself from the Teutonick, *ammeasg* amidst, expressions which no credulity, however weak, can impute to Ossian, instead of the second century, demonstrate a recent translation, into a mixed language of the eighteenth. The scriptural style of the song of Solomon is preserved in Earse, " My sighs arise " with the morning, my tears descend with the drops of " night;" and *dearsa on Ear* is a literal translation of our poetical idiom, the beams of the east. Without pursuing the examination farther, I shall bring the translation to an immediate test. The joy of grief is an abstract, and refined expression of the pleasure with which we dwell on fictitious distress; an idea infinitely too complex for a barbarian, but a subject much canvassed at the time both by Burke and Smith. The expression perhaps is more poetical than just: the satisfaction arising from fictitious woe may amount to pleasure, but can never constitute positive joy. But the " joy of grief," is an expression of curious felicity, which it is impossible to translate with the same energy into another language.

" Is caoin faiteal nam fonn Mhalmhine,
" The music of songs, is lovely Malvina;
" Ach claonaidh iad *anam* go *deoir*;
" But it melts the soul (with tears).
" Tha *solas* ann *tuireadh*, le sith;
" There is a joy in grief,
" Nuir dhaomas cliabh *tuirse* gu bron,
" When peace dwells in the breast of the sad."

Solas is literally *solatium*, solace; *tuireadh*, a request, a dirge, sorrow, is derived from *tuirse*, tired [58]; but the question would appear an insult to the most credulous understanding, whether *Tha solas an tuireadh*, was an expression used by Ossian in the third century, or by Macpherson, unable to give an adequate translation of the joy of grief.

3. The seventh book of the Temora, annexed in Earse to the first editions as a specimen of the original, is translated from the English; and exhibits the whole of the author's mythology of mist. Temora, L. vii.

" O Linna doir choille na Lego,
" From the wood skirted waters of Lego;
" *Air uair*, eri ceo taobh-ghorm nan ton,
" Ascend at times grey-bosomed mists;
" Nuair dhunas *dorsa* na h'oiche,
" When the gates of the west (night) are shut
" Air iulluir-shuil greina nan *speur*
" On the sun's eagle eye:" (eagle eyed sun of the sky.)

The moon is again compared from Milton, " to a dun shield swimming through the folds of mist, with which the spirits of old clothe their sudden gestures on the wind, when, they stride from blast to blast along the dusky night."

" An taobh oitaig, gu *palin* nan seoid,
" Often blended with the gale, to some warriors grave,
" *Taomas* iad ceach nan *speur*,
" They roll the mist (of the sky;)
" Gorm-*thalla* do thannais nach beo,
" A grey-dwelling (hall) to his ghost (to the ghosts of the not being)

[58] Lloyd's prof. translated in Nicolson's Irish Hist. lib. 17. p. 109.

" Gu am eri fon marbhran nan teud.
" Untill the (death) songs arise (on the string)"

Homer's heroes could not descend to the shades till their obsequies were performed. Neither can Ossian's ghosts ascend the clouds without their dirge; but the imitation is dearly purchased by the modern words to which the author was reduced. Not to mention *dorsa*, *speur*, *taomas*, *thalla*, already examined; *air uair*, at times, is literally hourly; and as a mark of derivation, *uair* an hour, whether from the Latin *hora*, or the English hour, is never applied to time in general, except in conjunction with another word. The warrior's grave is translated *palin*, a shroud, from the Latin *pallium*, and the English *pall*; and Fillan's ghost addresses Fingal,

" An codal so, don *fhear-phosda* aig Clatho,
" Sleeps the husband of Clatho?"

Fhear, *vir*, the Gothic *ver* and the Saxon *wer* (*wer-guild*), may be classed perhaps among those original words, for the coincidence of which etymologists must ascend to the circles of Gomar; but *phosda* spouse, *posadh* espousals, are evidently derived from the Latin *sponsalia*, corrupted, like *baisteach* baptism, when introduced as a sacrament by the Irish priests[59]. When Fingal strikes his shield, the screaming fowls are heard in the desert; and *faisich*, a desert, repeatedly occurs. The sons of Selma are the sons of the desert; Fingal's poetical designation in the Fragments was " the desert of the hills;" but the name alone is a sufficient

[59] *Ecc Baiste*, John the Baptist. O'Brian, in the true spirit of etymology, converts *Posadh* into *Boadh* to derive it, by a double operation, from *Bo*, a Cow, as the dowry among the Germans was paid in cattle. But Fingal had neither cattle nor herds, from which the *fhear-phosda* of Clatho could obtain that name.

detection. The desert is a correlative term, suggested by its contrast with peopled or cultivated fields; but as all places were equally desert, to a tribe of hunters who subsisted in the desert, there was no relative to suggest either the idea or the name. The same observation is applicable to autumn's dark storms. Among hunters who have neither harvest nor fruits, "Autumni perinde nomen et "bona ignorantur." Whitaker, who read Ossian only in English, pronounces steel to have been an early British manufacture, as it was distinguished (before iron) by an original name in the Irish language, "the fairest mirror of "the British original." *Cruadh*, hard, is equally applied to *cruadh*, a stone, and to *cruaidh*, steel; but in those specimens of Ossian, *steel*, the German *stahel*, the Saxon and Scandinavian *stall*, is repeated by name.

"Gniomh bu *chruai*
"Mighty deeds.
"Leth dhoiller an dealiin na *stallin*
"Half hid in the bright gleams (coals) of steel.
"Chuinic is é na *stalin chruai*
"She saw him in his hard steel."

The ancients were indebted to the Chalybeans for the manufacture and the name of steel, but it is observable that *Chalybs* is very seldom employed, like *Ferrum*, metaphorically for a sword; never for armour, which was generally of brass. But the English name and idiom, of steel for armour, are assigned by Macpherson, from his own Highlander, "steel speaks on steel," to the third century, when steel was seldom or never used in armour by the Romans themselves. After this passage, the application of *barbarous* to Cathmor's soul, may excite the less surprise.

" Ni mosguil cunart *anam borb*,
" Can danger shake (awake) his daring *(barbarous)* soul;
" Ach ni'n *solas* do m' *anam* tla,
" But it gives no solace to my soft soul."

In the description of Cathmor's shield, an obvious imitation of the shield of Achilles, I was curious to know what term would be employed for the sounding boss. *Crun* a crown, *cnap* a knob, were inadequate to the effect, and boss itself was too gross to be transcribed.

" Seached *coppain* a b'h' air an sciath
" Seven bosses rose on the shield,
" Seached *focuil* an *righ* do shluagh,
" Seven voices to the kings of the army;
" A thaomagh air osna nan speur,
" When poured on the blast of the sky,
" Air finacha mor nam Bolg
" On the great nation of the Belgæ,
" Air gach *copan* ta reul do noiche,
" On each boss was a star of night,
" Cean mathon," &c.

The same terms are repeatedly employed. " Bhuail en " sciath as fuaimnach *cop*," struck the shield of the sounding boss; " Chualas le sciath nan *cop*," she heard the shield of the boss.

" Ach ta m *fhocul* le cunairt nan Erin;
" But my voice is (I warn you of) the danger of Erin.
" An cualas duit *coppan* na fuaim
" Heard you the sound of the boss."

The reader may be surprised to learn that *focal* is literally *vocalis* a vowel, *(foclair* a vocabulary,) and that *coppan*

is the Saxon and German *cup*. If a circumstance can render the detection more complete, the hundred cups of the Irish ballad of Erragon, are converted, in the battle of Lora, into ten shells *(sliogh)* studded with gems, that gladdened once the kings of the world. But in Cathmor's marvellous shield, *copan* a cup, so fastidiously rejected as unknown to Ossian in its proper signification [60], is applied metaphorically to the seven bosses tipt with seven stars of night, that spoke like a peal of bells, each in a separate voice or vowel, to seven kings. After such gross detection, it is unnecessary to examine more than Larthon's dream, and the description of his ship.

" Thanic aslin gu Learthon nan *long*,
" Dreams descended on Larthon (of ships;)
" Seached *samla* do'n *lina* nach beo,
" Seven spirits of his fathers, (of the generations that are past.)
" Chualas an guth *brista*, trom,
" He heard their half formed (broken) words (asleep),
" Thaom iad am *feachda* fein,
" They led (poured) their hosts (fights)
" Mar cheadh a terna on bhein
" Along the field, like ridges of mist."

Samlis, semblance, a word I believe of the author's coinage, from *samhuil*, similis; *lina*, literally a line or lineage, *(linns-gearadh*, a genealogy,) are both from the Latin;

[60] " It is worthy of being remarked," says Macpherson on the English word *cusc*, (supra 466.) in the Irish ballad of Fingal and Magnus, " that Ossian, who lived in St. Patrick's day, seems to have understood something of English, a language not then subsisting. Ossian, ii. 276. *Barcas* a bark, *stoirm* a storm, *Carbad* carborne, *baiste* a beast, occur in Smith, the difference between whom and Macpherson is, that the latter imitated the classics, while Smith and Clark imitate Macpherson.

brista, a Teutonick word, is the German *bresten*, the French *briser*, the Saxon *bursten*, the Scottish *brist*, to break or burst; but *feachda*, battles, forces, *fights*, from *feachtha* [61], was fought, is a word that indicates equal confidence in deceit, and contempt for the credulous simplicity of mankind.

" Leathain scaoile *seoil* bhan an *righ*,
" Wide spreads the sails of the king.
" Leum *loingheas* o'thon, gu thon,
" The ship leapt from wave to wave.
" Ni m facas leo riamh an *long*,
" Never had they seen a ship,
" Ceur *Marchadh* a chuain mhoir,
" Dark rider (horseman) of the wave."

Loingheas and *long* are indisputably derived from the *naves longæ* of the Romans, and of the middle ages; *seoil* are the English sails, from the Saxon *segel*, *seyl*, an universal word among the northern nations; and *marcadh*, from the Teutonick *mark*, a horse, is still retained in marishal and mare [62]. Riding, applied in English to ships, is a familiar idiom; and the dark riders of Ocean, is an easy metaphor, not to be translated with impunity into a different language. The steeds and coursers of Ocean, are metaphors frequently used by the *Scalds*; *Eurus per Siculas equi-*

[61] Ihre, Junius. Lye. O'Brian.

[62] *Seol* a sail in Earse and Irish, not in the Welsh. Bullet and O'Brian have assigned *Mare* to the Celtick, as it occurs in Pausanias' Account of the Irruption of the Gauls into Greece. Paus. Phoc. But the *Marcomanni* were a German tribe, and Merula (Cosmogr. 421), and Pinkerton have proved indisputably from St. Jerome, that the Galatæ of Asia minor, were German Gauls, who spoke the same language with the Treviri or inhabitants of Triers, a tribe originally German. Tacitus Germ. c. 28. Dissertation on the Scythians and Goths, 148. See Metic Casaub. de quatuor Linguis Comment. 189.

tavit undas, occurs in Horace, and the horses of Ocean in Homer; but a name for the rider, from *rede* a chariot, distinct from that of the horse, is peculiar to the English and other Gothic languages; and *Marchadh a chuain mhoir*, the horseman of the great sea, is a harsh, and obvious translation of the rider of Ocean, equally ridiculous with *eques maris* in Latin, or *Cavalier de la mer*, were it translated into French. From the specimens already published, the language is indisputably of a recent growth; and from the preceding detections, it is not difficult to predict, that the publication of an Earse Ossian will counteract the design, and reflect utter discredit on the whole of the poems.

The deceit avowed by Macpherson.

VIII. 1. Macpherson himself has in fact, from the very beginning, avowed the deceit. The supposed translation was undertaken with real, or affected reluctance; and in his letters to a confidential friend [63], his great objection to the publication of the Fragments, was "that his high-"land pride was alarmed at *appearing to the world only as* "*translator*." Such an idea could have occurred only to a person conscious that the poems were his own; not to a genuine translator, like Pope and Dryden; but to one unwilling to forfeit, by a pretended translation, all claim to his own productions, or to the conscious merit of an original poet. The same idea predominates in every subsequent edition of Ossian. In the preface to the first edition of Fingal, he informs the reader that "poetry, like virtue, "receives its reward *after death*. The fame which men "pursued in vain, when living, is often bestowed upon "them when they are not sensible of it. This neglect of "*living authors*, is not altogether to be attributed to that

[63] Mr. George Lawrie, late minister of Loudon, whose letter on the subject is now in my possession.

" reluctance which men shew in *praising and rewarding* " *genius*. It often happens, that the man *who writes*, dif- " fers greatly from the *same man* in common life. His " foibles, however, are obliterated by death, and his better " part, *his writings*, remain: his character is formed from " them, and he that was *no extraordinary man* in his own " time, becomes the *wonder of succeeding ages*. From this " source proceeds our veneration for the dead. Their " virtues remain, but the vices, which were once blended " with their virtues, have died with themselves. *This con-* " *sideration might induce a man, diffident of his abilities, to* " *ascribe his own compositions to a person, whose remote anti-* " *quity, and whose situation, when alive, might well answer for* " *faults which would be inexcusable in a writer of this age.* An " ingenious gentleman made this observation,—but when " he had read the epic poem, his sentiments were changed. " —I am persuaded the public will be as thoroughly con- " vinced when they shall see the poems; and that some " will think, notwithstanding the disadvantages with which " the works *ascribed to Ossian* appear, it would be a *very* " *uncommon instance of self-denial in me to disown them*, were " they really of my composition." The extraordinary self-denial of which he was conscious, was the last proof which a genuine translation could have suggested. But the strange deduction, that the neglect of living authors, and the fame and veneration acquired by the dead, might induce a person diffident of his abilities, to ascribe his own compositions to one whose remote antiquity, and whose situation while alive, might exempt the work from the severe criticism of the present generation, removes all doubt concerning his real meaning, that the poems ascribed to Ossian were altogether his own compositions, of which he was unwilling to relinquish the merit, though unable openly to avow the deceit.

This preface was judiciously withdrawn from the subsequent editions; but he concludes a dissertation on the Era, or antiquity of Ossian, with the affected modesty of a young translator doubtful of success: "That his translation is literal; that the translator, as he claims no "merit from his version, wishes that the imperfect "semblance he draws, may not prejudice the world "against an original which contains what is beautiful in "simplicity, or grand in the sublime[64]." Not satisfied with a doubtful translation, a man of letters, possessed of an original manuscript, comments and dwells upon it; communicates it with rapture to his friends; conveys it in a faithful edition to the world; deposits it in some public library for the inspection of the curious, and finally bequeaths it to some public institution. But Macpherson informs us, in an advertisement prefixed to Fingal; "That "he was advised by some *men of genius*, his friends, to "print the originals by subscription, as a better way to "satisfy the public concerning their authenticity, than to "deposit the manuscript *copies* in a public library; but as "no subscribers appeared, he takes it for the judgment of "the public," (a strange conclusion,) "that neither the one "nor the other was necessary. However, he assures the "public of a design to print the originals, as soon as the "translator shall have time *to transcribe them* for the press; "and if this publication shall not take place, *copies* will "then be deposited in one of the public libraries, to prevent so ancient a monument of genius from being lost." That he was then preparing, and ready to publish an Earse version, had it proved as profitable as the English original, I have no doubt. In the Dissertation on the Poems of Ossian, prefixed to the Temora, adverting to the insinua-

[64] Fingal, 1st edit. p. 16.

tions made, and to the doubts entertained, respecting their authenticity, "To me," he says, "they give no concern, "*as I have it always in my power* to remove them." From this self-denying power to produce the originals, we must conclude that the Earse version, now to be imposed on the public, was then executed. Ten years afterwards, when the reputation of Ossian, and the foundations of his own fortune were established, Macpherson, in an improved edition of the poems, assumes a higher tone. At the same time that he asserts their authenticity, he insinuates his claim to the whole merit or infamy of the imposture, the motive of which he, in the same dissertation, condescends to explain. "Those who alone are capable of transferring," (not translating) "ancient poetry into a modern language, "might be better employed in giving *originals of their own*, "were it not for that wretched envy and meanness which "affects to despise *contemporary genius*. My first publica- "tion was merely accidental. Had I then met with less "approbation, my after pursuits would have been more "profitable. Whether the suspicions concerning the au- "thenticity of the poems are suggested by prejudice or "malice, I neither know nor care. Those who have "doubted my veracity, have paid a compliment to my "genius, and were even the allegation true, *my self-denial* "*might have atoned for my fault*. I assure my antagonists, "that I should not translate what I could not imitate; but "an age that produces few marks of genius, ought to "be sparing of admiration; and unless genius were in fa- "shion, Homer himself might have written in vain. Were "my aim to gain the *many*, I would write a madrigal sooner "than an *heroick poem* [65]." Here his motives are distinctly explained. The miscarriage of his first Epic, the High-

in his Dissertation.

[64] Ossian's Poems, ii. 259—61. edit. 1773. [65] Idem.

lander, was secretly ascribed to the envy and meanness which affect to despise contemporary genius. The encouragement given to his first avowed production, the Fragments, induced him to persist in the imposition, which is carefully extenuated, and faintly denied. Whether the suspicions concerning the authenticity of the poems were the result of prejudice or of malice, he declares with indifference, *nec scio nec scire curo*; and he intimates in plain terms, that the translator was at least equal in genius to his supposed original. Instead of vindicating the authenticity of his own, he enters into an angry examination of the Irish poems, *which were all in his hands*; and which, allowing for his habitual fiction, are the identical, and indeed the only originals that Hill and the bishop of Meath discovered, or the Perth editors of the Gaelic Poems could procure in the highlands. For the authenticity of the originals, he discovers a supine indifference or contempt. But his jealousy of the Irish pretensions to Ossian, and his parental solicitude for the poems, which he observes with truth, "cannot well belong to Ireland and to me at "once[65]," can be compared to nothing else than the resentment of a man who receives with visible complacency, an intimation that he had provided a son and heir for his deceased friend; but is quite enraged, and indignant when another claims a share in the supposititious birth.

2. But the preface, which is always last written, avows the deception in the most unequivocal terms. "Without "*increasing his genius*, the author may have improved "his language, in the eleven years that the poems have "been in the hands of the public. Errors in diction "might have been committed at twenty-four, which the "experince of a riper age may remove, and some *exuber-* "*ances in imagery* may be restrained with advantage, by

[65] Ossian's Poems, ii. 259—61. edit. 1773.

" a degree of judgment acquired in the progress of time. " —In a convenient indifference for a literary reputation, " the *author* hears praise without being elevated, and ribal- " dry without being depressed.—The taste which defines " genius by the points of the compass, however ludicrous " in itself, is *often a serious matter in the sale of a work.* When " rivers define the limits of abilities, as well as of coun- " tries, a writer may measure his success by the latitude " under which he was born. It was to avoid a part of this " inconvenience, that the author is said by some, who " speak without any authority, to have ascribed his own " productions to another name. If this was the case, he " was but young in the art of deception, as the translator, " when he placed his author in antiquity, should have been " born on this side the Tweed.—But the truth is, that to " judge aright requires almost as much genius as to write " well; and good critics are almost as rare as great poets. " Though two hundred thousand Romans stood up when " Virgil came into the theatre, Varius only could correct " the Æneid.—The novelty of cadence, in what is called " a prose version, though not destitute of harmony, will " not, to common readers, supply the absence of the fre- " quent returns of rhyme. This was the opinion of the " *writer* himself, whose first intention was to publish in " verse; and as the making of poetry may be learned by " industry, he had served his apprenticeship, *though in* " *secret*, to the muses." As a proof that prose was adopted not from necessity but choice, he proceeds to the most im- pudent fiction of the whole; the maid of Lulan, a poem lost in the original Norse, but preserved by tradition in an Earse translation, and when *transferred* into English, in- serted in his preface both in prose and verse. "*The writer*," concludes, " has now resigned the poems to their fate:" the foreign versions, he observes, that " genuine poetry, " like gold, loses little when properly transfused;" and

with an implied reference to himself, that "the translator "who *cannot equal his original*, is incapable of expressing its "beauties."

Here then, if there is a meaning in words, Macpherson vindicates and appropriates the poems expressly to himself. He intimates almost in direct terms, that he, the author who without increasing his genius, has, in the space of eleven years, improved his language, and restrained the exuberance of his imagery; the writer, equally qualified to excel in prose and verse; the supposed translator, who alone, like Varius, can equal his original; to avoid the invidious opposition of national prejudices, (a serious consideration in the sale of a work,) has ascribed his poems to a remote antiquity, and to another name. The applause of reviewers was re-echoed by Blair and Kaims, whose injudicious, yet ingenious criticisms had placed the Celtic bard on a level with Milton, Virgil, and with Homer himself. The laborious Henry, the fantastical Whitaker, adopted Ossian as genuine history; and Macpherson, exulting in their applause, and in his own success, entered the preceding caveat, as a guarded, yet solemn protestation to the world, lest the poems should descend to posterity, while the real author was defrauded of his fame. It was still necessary not to disabuse his countrymen, nor by a more explicit declaration, to disappoint their credulous hopes of an epic poem in Earse. His dispute with Johnson, and the scurrilous controversy between Shaw and Clark, taught him that a moral character should still be sustained; and he continued to fluctuate till his death, between the care of his reputation, as a man of veracity, and his pretensions to the merit of an original poet, which he was desirous to assume. A subscription of a thousand pounds, from his countrymen in the East Indies, which he had retained in his own hands while alive, was bequeathed to his friends, to

Claims the poems as his own.

publish the Earse version which he had formerly prepared. With the same hesitation between the adverse characters of translator and author, he provided a niche for himself among the English poets, after his decease, and if not the first translator, was certainly the first poet from Badenoch, whose remains were transported to Westminster Abbey.

His works estimated.

3. I know not by what arguments it is possible to transfer to Ossian, or to the third century, the poems which Macpherson has produced and uniformly claimed as his own. It is not sufficient to affirm that the translator has suppressed the originals, in order to appropriate the poems to himself; for no motive could have induced him to destroy the original MSS. when he left an Earse version to be published, unless these were merely the Irish ballads, the preservation of which would have exposed the whole deceit. The mediocrity of his other productions is not sufficient; for the style of Ossian may convince the world, that he must creep upon the earth unless he soars sublime. It discovers bold experiments in language, rich sentimental description, if sometimes pathetic, more frequently turgid than sublime; but contains no accurate delineation of character, no observations on human nature, no research into human actions, no artful transitions, nor talents for narration or plot; nothing in fact, either chaste or sober, that could be transferred with advantage to the historical page. In Dow's History of Indostan, in which Gibbon justly suspected that the style of Ferishda was improved by that of Ossian, he indulged the epic extravagance of his genius uncontrolled. Even his Introduction to the History of Britain, is grossly embellished with a Celtic fable, of a bard who visited the Fortunate Islands for a few days, and dicovered that two centuries had elapsed on his return[66]. His His-

[66] P. 181. Gibbon's Hist. x. 343. 8vo. edit.

tory of Britain is a dull and hasty chronological abstract from Ralph, and from the State Papers collected by Carte and himself. But the plot and incidents of Ossian, its tumid Preface and Dissertations, demonstrate that, however capable of improving upon a few facts, he was unqualified for the attainment, or insensible to the value, of a judicious arrangement, solid argument, or profound investigation. When we consider Ossian alone, or the temptation to emerge from an obscure indigence, the acknowledgment which he has made, might atone for a deception so grateful to his countrymen, had he not bequeathed such spurious originals as we have examined, to be published by his friends; one of whom I know to be a man of worth and letters, though a dupe to the imposture, as I was once myself. Instead of being precluded, at a maturer age, from the cultivation of poetry, he might have acquired a more durable and legitimate reputation, had he trusted, like Thomson in the same obscure situation, to the native force of his own genius; nor availed himself of the national credulity by an imposture not so difficult as Psalmanazar's though more successful. But when his impure hands are imposed on history, the misquotations and fictions detected in his Introduction to the History of Britain [67], and his cold malignity towards the most illustrious characters, should teach us to receive his Original Papers with extreme distrust; and we must regret that the State Papers of the Stuarts and

[67] Genuine Hist. of the Britons asserted, 297. Whitaker's politeness to a man whom he had convicted of "such a gross perversion even of his own quotations, such plain and manifest corruptions even of his own authorities, such erazings of records, such falsifications of histories," forms a signal contrast to his scurrilous abuse of the late Dr. Robertson, whom, from a minute examination of the most disputed passages in his History of Scotland, I cannot hesitate to pronounce one of the most faithful of historians.

of William, by some strange fatality, were reserved for the translator of Ossian and Sir John Dalrymple.

Test of the authenticity of Ossian.

4. After all, these arguments are easily answered, but not by abuse. A single manuscript is worth a thousand arguments. If a single poem of Ossian's in manuscript, such as translated by Macpherson, of a decent length, and the MS. indisputably of an older date than the present century, be produced and lodged in a public library, I shall return among the first to our national creed. But popular arguments are no answer to pointed objections or historical facts; much less will abuse suffice to restore the lost authenticity of Ossian's Poems. The most bigotted must acknowledge, that the refined poetry which they admire so much, was more likely to be produced by a cultivated genius of the present, than by an illiterate bard of the third century; and the reputed countrymen of Ossian may rest satisfied with this consolation; that the highlands of Scotland have at least given birth to an Epic poet in modern times.

Above three years have elapsed, since this Dissertation was first published; but no answer has appeared as yet, and not a single MS. of the Earse original has ever been produced. My arguments, however, have received additional confirmation from the discovery of two letters from Hume to Blair, written in the interval between the first and second editions of Blair's Dissertation. The testimonies published in Blair's Appendix to the second edition, were collected in consequence of these letters, but the reader will observe, that Blair did not comply with the admonitions of his friend; "that it were suitable to his can-"dour, and most satisfactory also to the reader, *to publish* "*all the answers to all the letters he should write*, even though "some of the answers should make somewhat against his

"own opinion in this affair." Instead of printing the testimonies entire as he received them, he published an imperfect abstract, in which the evidence was unavoidably corrected and improved; softened when extravagant, and tinged throughout with his own prejudices, and preconceived opinions. From the perusal of the original testimonies, which relate in fact to the Irish ballads, I do not hesitate to affirm, that had they been published entire, they would have appeared as little satisfactory to the world, as they did to Hume, when he informed Gibbon, "that "any positive evidence on the subject, ought never to be "regarded." But the testimonies originally procured by Blair, or collected since by the Highland Society at Edinburgh, have never been published, and in all probability never will; for a reason obvious to those who have seen them, that their very extravagance would confute themselves. From this censure, I must except three letters to the Highland Society, from Dr. Fergusson, Dr. Blair, and Mr. John Home, which contain a plain attestation of facts, and which, with a letter from an early companion of Macpherson's in Badenoch, are sufficient, at least in my conception, to explain the origin of the whole imposture.[68] But the reader perhaps will be more gratified with the perusal of Hume's letters, and of a letter from Warburton, than with any arguments of mine on the subject.

[68] I need not add that the imposture was equally practised upon the three gentlemen whom I have named, and upon the public at large.

TO THE REV. DR. BLAIR, &c.

DEAR SIR,

I Live in a place where I have the pleasure of frequently hearing justice done to your Dissertation; but never heard it mentioned in a company where some one person or other did not express his doubts with regard to the authenticity of the Poems, which are its subject; and I often hear them totally rejected with disdain and indignation, as a palpable and most impudent forgery. This opinion has indeed become very prevalent among the men of letters in London, and I can foresee, that in a few years the poems, if they continue to stand on their present footing, will be thrown aside, and will fall into final oblivion. It is in vain to say, that their beauty will support them, independent of their authenticity: No: that beauty is not so much to the general taste as to ensure you of this event; and if people be once disgusted with the idea of a forgery, they are thence apt to entertain a more disadvantageous notion of the excellency of the production itself. The absurd pride and caprice of Macpherson himself, who scorns, as he pretends, to satisfy any body, that doubts his veracity, has tended much to confirm this general scepticism: and I must own, for my own part, that, though I have had many particular reasons to believe these poems genuine, more than it is possible for any Englishman of letters to have, yet I am not entirely without my scruples on that head. You think that the internal proofs in favour of the poems are very convincing; so they are; but there are also internal reasons against them, particularly from the manners, notwithstanding all the art, with which you have endeavoured to throw a varnish on that circumstance: and the preservation of such long, and such connected poems by oral tradition alone, during a course of fourteen centuries, is so much

out of the ordinary course of human affairs, that it requires the strongest reasons to make us believe it. My present purpose therefore is, to apply to you in the name of all the men of letters of this, and I may say of all other centuries, to establish this capital point, and to give us proof that these poems are, I do not say so ancient as the age of Severus, but that they were not forged within these five years by James Macpherson. These proofs must not be arguments, but testimonies. People's ears are fortified against the former; the latter may yet find their way, before the poems are consigned to total oblivion. Now the testimonies may, in my opinion, be of two kinds. Macpherson pretends that there is an ancient manuscript of part of Fingal in the family, I think, of Clanronald. Get that fact ascertained by more than one person of credit; let these persons be acquainted with the Galic; let them compare the original and the translation, and let them testify the fidelity of the latter.

But the chief point in which it will be necessary for you to exert yourself, will be to get positive testimony from many different hands, that such poems are vulgularly recited in the Highlands, and have there been long the entertainment of the people. This testimony must be as particular as it is positive: it will not be sufficient, that a highland gentleman or clergyman say or write to you that he has heard such poems: nobody questions, that there are traditional poems in that part of the country where the names of Ossian and Fingal, and Oscar and Gaul, are mentioned in every stanza. The only doubt is whether these poems have any farther resemblance to the poems published by Macpherson. I was told by Burke, a very ingenious Irish gentleman, the author of a tract on the Sublime and Beautiful, that on the first publication of Macpherson's book, all the Irish cried out; *we know all these poems—we have always heard them from our infancy.* But when he

asked more particular questions, he could never learn, that any one had ever heard, or could repeat the original of any one paragraph of the pretended translation. This generality then, must be carefully guarded against, as being of no authority.

Your connections among your brethren of the clergy, may here be of great use to you. You may easily learn the names of all ministers of that country, who understand the language of it. You may write to them, expressing the doubts that have arisen, and desiring them to send for such of the bards as remain, and make them rehearse their ancient poems. Let the clergymen have the translation in their hands, and let them write back to you, and inform you, that they heard such a one (naming him) living in such a place, rehearse the original of such a passage, from such a page to such a page of the English translation, which appeared exact and faithful. If you give to the public a sufficient number of such testimonies, you may prevail. But I venture to foretell to you, that nothing less will serve the purpose; nothing less will so much as command the attention of the public.

Becket tells me, that he is to give us a new edition of your Dissertation, accompanied with some remarks on Temora: here is a favourable opportunity for you to execute this purpose. You have a just and laudable zeal for the credit of these poems: they are, if genuine, one of the greatest curiosities in all respects, that ever was discovered in the commonwealth of letters; and the child is, in a manner, become yours by adoption, as Macpherson has totally abandoned all care of it. These motives call upon you to exert yourself; and I think it were suitable to your candour, and most satisfactory also to the reader, to publish all the answers to all the letters you write, even though some of these answers should make somewhat against your own opinion in this affair. We shall always be the more

assured that no arguments are strained beyond their proper force, and no contrary arguments suppressed, where such an entire communication is made to us. Becker joins me heartily in this application, and he owns to me, that the believers in the authenticity of these poems diminish every day among the men of sense and reflection. Nothing less than what I propose, can throw the balance on the other side. I depart from hence in about three weeks, and should be glad to hear your resolution before that time.

This journey to Paris is likely to contribute much to my entertainment, and will certainly tend much to improve my fortune: so that I have no reason to repent, that I have allowed myself to be dragged from my retreat. I shall henceforth converse with authors, but shall not probably for some time have much leisure to peruse them: which is not perhaps the way of knowing them most to their advantage. I carried only four books along with me; a Virgil, a Horace, a Tasso, and a Tacitus: I could have wished also to carry my Homer, but I found him too bulky. I own that in common decency, I ought to have left my *Horace* behind me, and that I ought to be ashamed to look him in the face. For I am sensible that at my years, no temptation would have seduced *him* from his retreat; nor would he ever have been induced to enter so late into the path of ambition. But I deny that I enter into the path of ambition: I only walk into the green fields of amusement, and I affirm, that external amusement becomes more and more necessary as one advances in years, and can find less supplies from his own passions or imagination. I am,

Dear Sir,

Yours most sincerely,

Lisle Street, Leicester Fields, DAVID HUME.

19 *September*, 1763.

My dear Sir,

I Am very glad you have undertaken the task which I used the freedom to recommend to you. Nothing less than what you propose will serve the purpose. You need expect no assistance from Macpherson, who flew into a passion when I told him of the letter I had wrote to you. But you must not mind so strange and heteroclite a mortal, than whom I have scarce ever known a man more perverse and unamiable. He will probably depart for Florida with governor Johnstone, and I would advise him to travel among the Chickisaws or Cherokees, in order to tame him and civilize him.

I should be much pleased to hear of the success of your labours. Your method of directing to me is under cover to the earl of Hertford, Northumberland House, London; any letters that come to me under that direction, will be sent over to me at Paris.

I beg my compliments to Robertson and Jardine—I am very sorry to hear of the state of Fergusson's health—John Hume went to the country yesterday with lord Bute.—I was introduced the other day to that noble lord, at his desire. —I believe him a very good man, a better man than a politician.

Since I wrote the above, I have been in company with Mrs. Montague, a lady of great distinction in this place, and a zealous partizan of Ossian. I told her of your intention, and even used the freedom to read your letter to her. She was extremely pleased with your project; and the rather as the Duc de Nivernois, she said, had talked to her much on that subject last winter, and desired, if possible, to get collected some proofs of the authenticity of these poems, which he proposed to lay before the Academie des Belles Lettres at Paris.—You see then, that you are upon a great

stage in this enquiry, and that many people have their eyes upon you. This is a new motive for rendering your proofs as complete as possible. I cannot conceive any objection, which a man, even of the gravest character, could have to your publication of his letters, which will only attest a plain fact, known to him. Such scruples, if they occur, you must endeavour to remove. For on this trial of yours will the judgment of the public finally depend.

Lord Bathe, who was in the company, agreed with me, that such documents of authenticity are entirely necessary and indispensible.

Please to write to me as soon as you make any advances, that I may have something to say on the subject to the literati of Paris. I beg my compliments to all those who may bear that character at Edinburgh. I cannot but look upon them as my friends. I am yours sincerely,

6th October, 1763. DAVID HUME.

Extract of a Letter from Bishop Warburton to Mr. Mason.
Dated Prior Park, Jan. 12, 1762.

I read Fingal with vast pleasure, but amidst my enjoyment of it, comes a letter from our critic, with such convincing arguments of the forgery, that the visionary scene slips from me, as the pleasing dream of another life did from Bolingbroke.

On the other hand, several fragments in these poems have been heard, by living witnesses, sung to the harp both in the Highlands and in Ireland. My solution of the difficulty is this, that on these, and from these fragments, the forgery has been erected.

You may judge of its force, when he says, he builds the least on the unsatisfactory account the editor gives of his fairly coming by this treasure, both in his preface, and in

conversation with some of his friends. You will say it is a work infinitely above one of those *tame cheaters*, we call a sophist. I do not know how it is, but mimicry is a species of poetic imitation so different from the true, that we have seen excellent copies in painting from originals of great masters, (by those) whose own designs were all sign post daubings: the most celebrated mimics on the stage, as Eastcourt and Foot, were the most miserable actors: and, to come a little nearer, the book written by Burke against Civil Society, under the name and character of Bolingbroke, is far superior to any other of his compositions.

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THE END.

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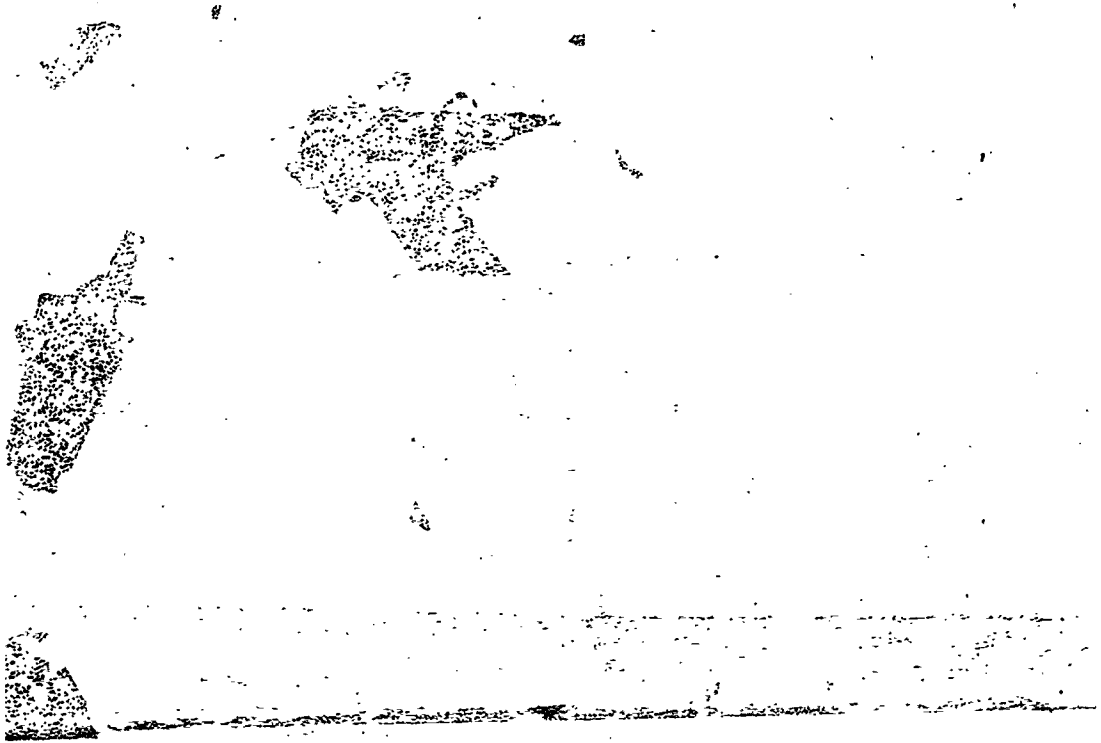

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